

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA
SPECIAL SESSION, 1933

HELD IN THE CITY OF MONTGOMERY COMMENCING
TUESDAY, JANUARY 31, 1933



WITH AN INDEX PREPARED BY THE SECRETARY OF
THE SENATE

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JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

SPECIAL SESSION, 1933

FIRST DAY

Montgomery, Alabama, Tuesday, January 31st, 1933

BE IT REMEMBERED, That on the 20th day of December, A. D., 1932, B. M. Miller, Governor of the State of Alabama, issued his proclamation in the words and figures following, to-wit:

STATE OF ALABAMA

A PROCLAMATION

BY THE

GOVERNOR

"WHEREAS, the current debts of the State of Alabama are now approximately Twenty Million Dollars (\$20,000,000.00) and should be paid and cannot be paid under our present revenue system; and

"WHEREAS, a large amount to-wit: over Fifteen Million Dollars of this debt, is due to the Educational Department of the State of Alabama, to Banks and merchants holding educational warrants and in many counties the salaries of the teachers are delinquent for months, and these salaries should be paid and cannot now be paid from present revenue; and

"WHEREAS, the plans proposed and provided by the Legislature, an income tax and bond amendments to the Constitution, to pay these debts of the State and to keep the schools from closing, were defeated by the voters at the polls on the 8th day of November, 1932; and

"WHEREAS, the taxes levied in many counties of the State for educational purposes have been pledged for years by County Boards of Education to pay for the erection of school buildings and other purposes and cannot now be used to pay the salaries of teachers and expenses of schools; and

"WHEREAS, the present current debts of Alabama have accumulated for years on account of the annual appropriations exceeding the annual revenues; and the present revenues decreasing yearly on account of the depression and decrease in value of property, thereby rendering it impossible for present revenues to pay necessary expenses of the government and retire any part of the current debts; and

"WHEREAS, the former administration on Dec. 10, 1930 secured for schools from banks on certified school warrants the sum of \$1,054,474.00; and including this amount there was on the 25th of February, 1931, secured from the First National Bank of Montgomery and the Chase National Bank of New York on certificated school warrants the sum of \$4,350,866.14 and on certificated warrants of Eleemosynary Institutions \$627,509.25; aggregating in all the sum of \$4,978,375.39; the banks paid the full face value of the warrants and the school departments and the eleemosynary institutions received in actual cash the full face value of these warrants from the Banks; and

"WHEREAS, there was paid to the banks by the State the sum of \$672,644.34 on these school warrants in January and February, 1932; and there is still due the Banks maturing in January and February 1933 the sum of \$4,305,731.05 on these warrants; and

"WHEREAS, the State is unable to pay these debts and the other current debts and the expenses of government from the current revenues; and

"WHEREAS, the present current revenues are insufficient to pay the present appropriations of the State; and under the new budget law the appropriations will be reduced prorata to balance the revenue; so from now on Alabama will live within its income, still there will be no funds to pay the Twenty Million Dollar debts, which should be paid or arranged to be paid; and

"WHEREAS, these conditions are forcing the schools in many counties to close, when they should be kept open and running; and

"WHEREAS, these debts in my opinion should be paid and the schools kept operating by an income tax and bond issue amendments to the Constitution; and

"WHEREAS, an income tax amendment cannot now, if adopted, become operative within a year, and present revenue for present emergencies is now required; and

"WHEREAS, I am opposed to the principle of a general sales tax, still as a temporary measure to meet present, pressing needs of the schools and debts of the State, my personal opinion should be

waived as to it in order to meet the present financial emergency;
now

"THEREFORE, it is my opinion that an emergency exists requiring the action of the Legislature of Alabama concerning the matters hereinafter specifically mentioned:

"NOW, THEREFORE, I, B. M. Miller, Governor of the State of Alabama, do hereby call an extraordinary session of the Legislature to convene at the Capitol in the Senate Chamber and in the hall of the House of Representatives, on Tuesday, the 31st day of January, 1933, at twelve (12) o'clock noon, and I do hereby designate the following subjects and matters as those concerning which action of the Legislature is deemed necessary, namely:

"1. To provide for the payment of all of the current debts of the State of Alabama and of appropriations past due by submitting to the qualified electors of the State of Alabama an amendment to the Constitution providing for interest bearing bonds, warrants or notes to pay them; and to pass an enabling act to make such amendment effective.

"2. To submit to the qualified electors of the State of Alabama an amendment to the Constitution authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each subsequent year.

"3. To provide for an income tax to become effective when the Constitutional amendment above provided for is adopted by the people.

"4. To provide for a sales tax to become effective when approved by the Governor and to continue in force until an income tax amendment to the Constitution is approved by the voters and becomes operative by an enabling act and yields sufficient revenue to make the further collection of a sales tax unnecessary.

"5. To appropriate money to defray the expenses of the Special Session hereby called. The session should be limited to the shortest possible period to accomplish the purposes set out in one, two, three and four; and the clerks employed should be limited to only the number necessary to do the actual work.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed at the Capitol in the City of Montgomery on this the 20th day of December, 1932.

"B. M. MILLER, Governor."

Attest:

PETE B. JARMAN, JR.
Secretary of State.

In pursuance thereof, at the hour of 12 o'clock M., on Tuesday, January 31st, 1933, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable Hugh D. Merrill, Lieutenant-Governor and President of the Senate.

J. E. Speight, Secretary, was present and acted as such, according to law.

PRAYER

The session was opened with Prayer by Dr. Richard Wilkinson, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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OATH OF OFFICE

Honorable John A. Lusk, Jr., elected to the Senate from the Sixth Senatorial District, composed of the Counties of Etowah and St. Clair, to fill the vacancy caused by the resignation of E. D. Jordan, presented his credentials from the Secretary of State as follows:

I, Pete B. Jarman, Jr., Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, John A. Lusk, Jr., was elected State Senator from the 6th Senatorial District at the Special Election held in this State on Tuesday, the 24th day of January, 1933.

Witness my hand this 31st day of January, 1933.

Pete B. Jarman, Jr.,
Secretary of State.

Thereupon, the President of the Senate administered to Mr. Lusk the oath of office, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, so help me God.

John A. Lusk, Jr.

ELECTION OF OFFICERS

The Presiding Officer announced that the next order of business was the election of the following officers, to-wit:

President Pro-tempore, Assistant Secretary, 2nd Assistant Secretary, Enrolling Clerk, Engrossing Clerk, Comparing Clerk, Door-keeper, Assistant Door-keeper.

PRESIDENT PRO-TEM

Honorable R. H. Powell of Macon, being nominated for President Pro-tem of the Senate, received the following vote:

Messrs.:			
Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

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Mr. Powell, having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected President Pro-tempore of the Senate for the term prescribed by law.

ASSISTANT SECRETARY

Harrison McCutchen, of Jackson, being nominated for Assistant Secretary of the Senate, received the following vote:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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Mr. McCutchen having received the entire vote cast, which was a majority of the Senate, he was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

2nd. ASSISTANT SECRETARY

Tollie L. Austin of Elmore, being placed in nomination for 2nd. Assistant Secretary of the Senate, received the following vote:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mr. Austin having received the entire vote cast, which was a majority of the Senate, he was declared duly and constitutionally elected 2nd. Assistant Secretary of the Senate for the term prescribed by law.

ENROLLING CLERK

Mrs. Lula S. Thompson having been placed in nomination for Enrolling Clerk of the Senate: those who voted for Mrs. Thompson were:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mrs. Thompson having received the entire vote cast, which was a majority of the Senate, she was declared duly and constitutionally elected Enrolling Clerk of the Senate for the term prescribed by law.

ENGROSSING CLERK

Mrs. A. Y. Malone, being placed in nomination for Engrossing Clerk of the Senate, she received the following vote:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mrs. Malone having received the entire vote cast, which was a majority of the Senate, she was declared duly and constitutionally elected Engrossing Clerk of the Senate for the term prescribed by law.

COMPARING CLERK

Mrs. Hattie S. Ross being placed in nomination for Comparing Clerk of the Senate, received the following vote:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mrs. Ross having received the entire vote cast, which was a majority of the Senate, she was declared duly and constitutionally elected Comparing Clerk of the Senate for the term prescribed by law.

DOOR-KEEPER

H. G. Earnest being placed in nomination for Door-keeper of the Senate, received the following vote.

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mr. Earnest having received the entire vote of the Senate, being a majority thereof, he was declared duly and constitutionally elected Door-keeper of the Senate for the term prescribed by law.

ASSISTANT DOOR-KEEPER

Mr. J. G. Watkins being nominated for Assistant Door-keeper of the Senate, received the following vote:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

Mr. Watkins having received the entire vote cast, which was a majority of the Senate, was declared duly and constitutionally elected Assistant Door-keeper of the Senate for the term prescribed by law.

OATH OF OFFICE

Thereupon, each of said officers came forward and took and subscribed to the oath of office required by the Constitution, which oath was administered by the President and Presiding Officer of the Senate.

RESOLUTIONS

Mr. Bonner offered the following Senate Resolution:

S. R. 1. Be it Resolved by the Senate of Alabama as follows:

1. During the present session of the Legislature, the Committees on Finance and Taxation, Local Legislation and Judiciary shall have one clerk each to be named by the Chairman of each such Committees. There shall be only four Senate Committee clerks who shall be elected by the entire Senate and whose compensation shall be \$4.00 per day. All of said clerks must be competent Stenographers. Said clerks must remain at the Capitol every day that the Legislature is in session and every day that any Committee meetings are to be held. The Secretary of the Senate shall assign one of said Stenographers to each committee when in session. When said clerks are not actually engaged in attending committee meetings, they shall be subject to call by any member of the Senate for the performance of any stenographic or clerical work directly connected with the official duty of such Senators.

2. There shall be no Senate pages or messengers.

3. There shall be no Doorkeeper of the Gallery.

4. In addition to the Secretary of the Senate, the Assistant Secretary, the 2nd. Assistant Secretary of the Senate, and Chief Clerk, the Secretary of the Senate shall appoint not exceeding 12 assistants, whose compensation shall be \$4.00 per day.

5. The Enrolling Clerk shall designate not exceeding three clerks or assistants, whose compensation shall be \$4.00 per day.

6. The Engrossing and Comparing Clerks shall have no assistants.

7. BE IT FURTHER RESOLVED BY THE SENATE, That all of the following officers and the subordinate officers of the Senate, to-wit: President Pro-tem; Secretary, Assistant Secretary, 2nd Assistant Secretary, Doorkeeper, Enrolling Clerk, Engrossing Clerk and Comparing Clerk, as elected at the regular session of the Legislature of 1931 be, and they are hereby, re-elected and continued in office during this special session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Mr. McDowell offered the following Senate Resolution, which was put upon its immediate passage and, under a suspension of the rules, adopted:

S. R. 2. Be it Resolved by the Senate, that the printed rules adopted by the last regular session of the Legislature be, and the same are hereby, adopted for the government of the Senate at this special session.

Mr. McDowell offered the following Senate resolution:

S. R. 3. Be it Resolved by the Senate, That the Secretary be, and he is hereby, authorized and directed to notify the House that the Senate has organized by re-electing and continuing in office all elective officers who were elected at the last Regular Session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Mr. McDowell also offered the following joint resolution:

S. J. R. 4. Resolved by the Senate, the House concurring, that a Joint Committee of two from the Senate and three from the House, be appointed to wait upon the Governor and notify him that the Legislature is duly organized and will be in Joint Session in the House of Representatives at one o'clock this afternoon to receive any communication that he desires to submit.

And, on motion of Mr. McDowell, the rules were suspended and the resolution adopted. Thereupon, the President of the Senate appointed as a Committee on part of the Senate Messrs. McDowell and Delony.

Mr. Kelley offered the following Senate Joint Resolution:

S. J. R. 5. That Whereas, the cost of our State Government has for many years been gradually increasing; and,

WHEREAS, for the past many years the sessions of the Legislature of Alabama have been unduly long and unnecessarily expensive; and,

WHEREAS, much time and money has been spent during all past sessions due to the fact that the Legislature met only two or three days per week during the sessions: Now, Therefore,

BE IT RESOLVED by the Senate, the House concurring, that the Legislature meet not less than five days per week during this session and that this session be limited to twenty legislative days.

Which was read and referred to the standing committee on Rules.

Mr. McDaniel offered the following Senate Resolution:

S. R. 6. RESOLVED, That one additional member be added to the Committee on Judiciary to be appointed by the Presiding Officer of the Senate:

And on motion of Mr. McDaniel, the rules were suspended and the resolution adopted.

Thereupon, the President of the Senate appointed as an additional member of the Committee on Judiciary, Mr. Lusk.

Mr. Scruggs offered the following Joint Resolution:

S. J. R. 7. BE IT RESOLVED BY THE SENATE, the House concurring, as follows:

That both Houses of the Legislature meet each day at 12:00 o'clock Noon and that each House meet every day except Saturdays and Sundays, and that the morning and nights be given for committee meetings.

Which was read and referred to the committee on Rules.

Mr. Hooton offered the following Senate Resolution:

S. R. 8. WHEREAS, many weighty problems now confront us; Further, we have a Democratic form of government and our people are allowed representation in their legislative bodies and should be allowed to present suggestions to their representatives; Therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, that representative bodies of citizens such as the Committee of 500, the Economy League and other organizations be allowed to present their suggestions and recommendations to said Senate of Alabama at some day agreeable to both the Senate and the said organizations and on some day other than a legislative day.

Which was read and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 4. Relative to a joint Committee to notify the Governor of the organization of the Legislature and joint session at 1:00 o'clock, P. M., to receive any communication from him.

And the Speaker of the House has named as Committee on part of the House, Messrs. St. John, Harrison and Beebe.

And the resolution is returned herewith to the Senate.

J. H. Stewart,

Clerk.

JOINT SESSION

The hour of 1 o'clock having arrived, pursuant to resolution heretofore adopted, the Senators repaired to the Hall of the House of Representatives for the Joint Session for the purpose of hearing the message of the Governor.

The Lieutenant-Governor presided on part of the Senate and Speaker Tunstall on part of the House. A call of the roll of the Senate by the Secretary showed the following Senators present:

Messrs.:
Bartlett
Beasley

Brown
Bonner

Caffey
Cooper

Cowart
Craff

Darden	Garrett	Lusk	Scruggs
Delony	Goodwin	McDaniel	Shepherd
Duncan	Hildreth	McDowell	Teasley
Edmundson	Hooton	Millsap	Walker
Farmer	Hubbard	Mullins	Warren
Faulk	Kelley	Powell	Wikle
Fletcher	Lapsley	Riddle	

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Thereupon, the Clerk of the House proceeded to call the roll of the House, when the following members answered to their names:

Messrs.:			
Mr. Speaker	Giddens	Lee (Coffee)	Reeder
Allen	Givhan	Lee (Monroe)	Rish
Arrington	Glover (Elmore)	Lovelace	Robinson
Bains	Glover (Henry)	Loyd	St. John
Barber	Goode	Manasco	Sanderson
Beebe	Goodwyn	Matthews	Shepherd
Black	Granade	Miller	Smith
Bradford (Cherokee)	Graves	Mize	Snodgrass
Bradford (Jefferson)	Green	Molette	Sossaman
Brooks	Guy	Morrow	Sparks
Burns	Haley	Mulkey	Spencer
Burton	Hamby	McClendon	Stewart
Callahan	Hampton	McDonald	Stokes
Callaway	Hansbrough	McElderry	Sutton
Carmichael	Harrison	McGowin	Swift
Christopher	Hightower	McGraw	Tate
Clayton	Holland	McNeel	Taylor
Coats	Hollingsworth	Norman	Thompson
Cook	Johnston	Ogden	Tidwell
Culver	Jones	O'Neal	Tucker
Davis (Macon)	Jordan	Parker	Wallace
Davis (Pickens)	Kelly (Conecuh)	Patterson	Ward
DeSear	Kelly (Talladega)	Pierce	Ware
Edgar	Kettler	Pitts	West
Fite	Lancaster	Poole	Williams
Frazer	Lawler	Posey	Yerby

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A quorum being present.

Thereupon, His Excellency, Honorable B. M. Miller, Governor of Alabama, was present and delivered his message as follows:

MESSAGE FROM THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF ALABAMA:

Another extraordinary occasion exists, which necessarily required me to call you again from your personal business to attend to duties resting on you as members of the Legislature of Alabama.

Senators and Representatives, permit me to digress for a minute.

Radio Listeners: Through the generosity of the Southern Bell Telephone and Telegraph Company, Radio Stations WSFA of Montgomery, WAPI of Birmingham, and WODX of Mobile, I am

permitted to address you also at this time. Permit me to express to them my sincere thanks and appreciation for their thoughtfulness and generosity.

What emergency exists, which requires action of the Legislature of Alabama?

The current debts of Alabama are approximately Twenty Million Dollars. More than Fifteen Million Dollars of this sum is due the Educational Department of the State, to Banks and merchants holding educational warrants. The salaries of teachers are delinquent in many counties. The schools are closing. These salaries and debts should be paid and they cannot be paid from the present revenues. The plans proposed and provided by you—an income tax and bond issue amendments to the Constitution—to pay these debts and to keep schools from closing, were defeated by the voters at the polls on the 8th day of November, 1932.

This in effect was a repudiation of the debts and the plan of payment; but it was not, in my opinion, so intended by the electorate. The real issue was not made clear and plain to them. Much false propaganda mislead them. They had no time to consider it. You adjourned at midnight on the 4th of November and the election was on the 8th of November. You could not in that time—3 days—present the facts to the voters.

At the first regular session, you repudiated the budget bill, killed it in the Committee; at the next session you saw the wisdom of it and passed it almost unanimously. You took two votes at the budget bill; should not the people have two votes at the income tax amendment?

At regular session you at the last minute submitted an income tax amendment with changes, which made it unconstitutional; and then at next session you practically with unanimity submitted an income tax amendment to the electorate.

You had and took two chances at budget bill before adopting it. You had and took two chances at submitting income tax amendment before it was submitted.

The voters have had only one chance at the income tax amendment and this was four days after you adjourned. They should have another right and opportunity to pass on it, more than ninety days after you adjourn, as the Constitution directs. Give the voters an opportunity to see the real issue, to realize the struggle "the able to pay taxes" are making to avoid paying their reasonable share of the taxes and to keep the burden of taxes on those "unable to pay it".

The taxes levied in many Counties of the State for Educational purposes have been pledged for years in advance by County Boards of Education to pay for the erection of school buildings and other purposes and cannot now be used to pay the salaries of teachers and expenses of schools. These conditions are forcing the schools in many counties to close; which should not be permitted.

The present current debts of Alabama have accumulated for years on account of the annual appropriations exceeding the annual revenues; and the present revenues decreasing yearly on account of the depression and decrease in value of property, thereby rendering it impossible for present revenues to pay necessary expenses of the government and retire any part of the current debts.

The former administration on December 10th, 1930 secured for schools from banks on certificated school warrants the sum of \$1,054,474.00; and including this amount there was on the 25th of February, 1931, secured from the First National Bank of Montgomery and the Chase National Bank of New York on certificated school warrants the sum of \$4,350,866.14 and on certificated warrants of Eleemosynary Institutions \$627,509.25; aggregating in all the sum of \$4,978,375.39; the Banks paid the full face value of the warrants and the school departments and the eleemosynary institutions received in actual cash the full face value of these warrants from the banks.

There was paid to the Banks by the State the sum of \$672,633.34 on these school warrants in January and February 1932; and there is still due the Banks now maturing the sum of \$4,305,731.05 on these warrants; and they should be paid and Alabama's credit maintained.

The State is unable to pay these debts and the other current debts and the expenses of government from the current revenues; and keep the schools open and running; which should be done.

These conditions all concurring created an emergency, which in my opinion necessitated a calling of an extraordinary session of your bodies for immediate action for permanent and temporary measures for relief.

Does Alabama owe current debts, aggregating approximately Twenty Million Dollars?

The responsibility for answering this question rests on the Governor, the Senate and House of Representatives, comprising the Legislature of Alabama.

Soon after the inauguration on January 19, 1931, realizing that the current debts of the State were large, the Chief Examiner of Accounts, Hon. Walter K. Smith, was directed to ascertain the facts, and to make them known to me. April 14, 1931 he reported that the total amount required to meet the State's obligations on October 1, 1931, would be \$18,813,321.85. His findings were made known to you and given to the public.

Under an Act passed by you and approved January 30, 1931 to require an audit to be made of all departments, offices and institutions of the State Government involving the collection or expenditures of public funds into the State Treasury, the firm of Loomis, Suffern and Fernald were employed to do the work. Mr. F. Hopkinson Smith of Birmingham was their Alabama representative and was in charge of it.

When it was completed, a written report was made to the Governor and after it was printed it was given to you and the public. There was no material difference in their findings as to the amount of the State debts. They were independent accountants and their report confirmed the audit of Mr. Walter K. Smith, Chief Examiner of Accounts. They reported the amount was \$18,655,-833.40 on September 30, 1931.

The Brookings Institution, of Washington, D. C. under an Act passed by you and approved January 30, 1931 was employed to make a detailed study and survey of the State Government. The Brookings Institution made an Audit and ascertained the amount of the debt was \$17,012,848.86 not including balances due to Educational institutions amounting to \$1,642,984.54 as of September 30, 1931. This report was printed, given to you and the public.

Mr. Walter K. Smith resigned as Chief Examiner of Accounts and Mr. J. H. Hard, Jr., was appointed to succeed him. Mr. Hard made an investigation and ascertained and reported to me on November 22, 1932 that on September 30, 1932 there was outstanding and unpaid warrants aggregating \$16,948,043.64; unpaid building appropriations to Educational institutions \$1,362,500.00; debts of Normal Schools and Teachers Colleges \$929,229.70. These three items alone aggregate \$19,239,773.34.

It is clear and evident from these reports, to an unbiased mind, that Alabama owes current debts aggregating practically Twenty Million Dollars.

What caused them? How were they created?

They have been accumulating year by year for nearly a quarter of a century. There was no budget balancing annually. Appropriations grew larger yearly and revenue failed to keep step. Each Legislature appropriated more than the revenue produced and thus made an annual growing deficit.

Governor Graves in his last message to you in January 1931 gave you the facts furnished him by the Department of Education showing the progress it made in appropriations, which was as follows:

"STATE APPROPRIATIONS FOR EDUCATION"

"Comparisons of Amounts made available for Public Education in Alabama During Their Respective Quadrenniums by the 1919, 1923 and 1927 Legislatures":

"Year	Amount Appropriated	Amount of Increase or Decrease	Percentage Increase or Decrease
1919 _____	\$ 9,491,440		
1923 _____	9,904,598	\$ 413,158	4.35
1927 _____	32,180,758	22,276,160	224.91"

This illustrates the growth of appropriations. Other appropriations by the Legislature were similar in some respects. However, the revenues derived from taxation were insufficient to pay the appropriations. Many large, elegant, State College buildings were erected without funds to pay for them in all parts of Alabama; and they are still unpaid for. So thus the deficit grew and grew until it reached the Twenty Million Dollar mark for current debts.

There was no real budget balancing system in Alabama until the Fletcher Budget Act was passed and approved in September 1932; and deficits were gradually increased annually prior thereto on account thereof.

You will remember at your regular session on the 9th of June 1931, there was a written message which urged you,

"To pass a bill to permit the appropriations, except as to fixed salaries, and the elementary schools, to be reduced pro rata any year they exceed in amount the income; so that the State will live within and not exceed its income."

Bills to put into effect this recommendation were prepared and introduced in the House and Senate; but each was killed in the Committees on the ground "it was too much power to be placed in the hands of a Governor", so appropriations continued to exceed the revenues and the deficit continued to grow higher and higher.

Again on the 16th of August 1932 at the Special Session, a budget balancing bill was urged and earnestly requested by written message to prevent the growing deficits and to make Alabama live within her income. This ripened into fine fruit and the Fletcher Budget Bill became an act, forcing Alabama to live within her income; which is the most constructive financial statute passed in this State within a quarter of a century. It will be in the future a monument to the wisdom and vision and patriotism of the Legislature of Alabama of 1932.

These facts and conditions faintly show in part the cause and creation of the Twenty Million Dollar current debt of Alabama.

To whom are these Twenty Million Dollars due? Who owns the debts?

No one can answer fully these questions. Many of the original holders of the warrants have sold, no doubt, their interest in them. The amount of the debts for which and to whom the warrants were issued can be secured from Mr. Hard, the State Comptroller. More than Fifteen Million Dollars of this debt are due the schools and Colleges of the State. More than Four Million Dollars of the debts are held by the First National Bank of Montgomery and the Chase National Bank of New York for cash advanced to schools and other institutions of the State for their warrants. These debts should be paid.

The State owes the University of Alabama \$1,288,569.72. This should be paid. Alabama owes the Alabama Polytechnic Institute

\$1,535,764.72. This debt should be paid. The State owes the Normal Schools \$2,539,979.70. This debt should be paid.

Alabama owes the Alabama College at Montevallo \$645,812.21. This debt should be paid. The State of Alabama owes to the Elementary and High Schools the sum of \$9,146,457.90. This debt should be paid. Some of these warrants were cashed as heretofore shown by the Chase National Bank of New York and the First National Bank of Montgomery at their face value. A large amount of this indebtedness is now due for the salaries of professors in the Colleges and of the school teachers in the State. They have continued unselfishly to teach and have given the best possible service, trusting the State of Alabama to pay them. We should not disappoint them.

Alabama's debts must be paid. Alabama's schools and colleges must not close. The credit of the State must be maintained.

What is the best way to pay the Twenty Million Dollar debt?

It cannot be paid by economy and have efficient government. You have economized; you have abolished offices; and you have reduced appropriations. Still the appropriations exceed the revenue by over Two Million Dollars annually; but under the Fletcher Budget Statute the appropriations will be reduced pro rata to balance the revenue. This will not pay the debts. This prevents debts from accumulating in the future as they have in the past.

If you will examine the letters of Mr. Hard, Comptroller, attached you will find the pay roll for March 1930 was \$607,474.35; the pay roll for March 1931 was \$547,994.37; making an annual saving of \$713,760.00. Reductions of salaries and expenses were made within sixty days by the Governor after his inauguration in January 1931, in departments under his control. Under the Bonner-Fletcher Reduction Salary Bill, and the appropriation bill, the pay roll for December 1932 was \$463,315.94; which shows an additional annual saving of \$1,016,141.00 was secured thereby. The annual appropriations were decreased by you by \$3,444,874.57 and will be reduced to match the revenue under the Fletcher Statute. With all of these economies, there is no revenue to pay the debts and keep the schools running. It will take more income to pay these debts and more income to keep the schools open.

Then what is the best way to pay the Twenty Million Dollar debt?

In my opinion there are only three ways in which it can be paid. There is a Statute directing real and personal property must be assessed for taxation at 60% of its market value. This Statute can be changed and amended by the Legislature assessing real and personal property at 100% of its market value. This would greatly increase the tax on that property. This would probably meet the situation and pay the Twenty Million Dollars if this increased assessment and tax were continued for years. This plan

would not do. Such a course to pay this debt is unthinkable and I am unalterably opposed to it. Taxation on real and personal property has reached the limit in Alabama. Since the organization of the State that property has been the chief source from which the revenue of the State has been secured. No additional levies should be placed thereon; but in time it should be relieved in part at least of the burden it bears in producing the State's revenue. Ad valorem taxes on real and personal property should be decreased and not increased. It is now bearing more than its fair share of the taxes.

This is one—the first way—to pay this debt. What is another or the second way to pay this debt? The second plan is a general "sales tax on all retail sales to be paid by the consumer". If this plan should be enacted into a law, it should be called the consumers tax.

The consumer now, as a rule, is battling for bread, hunting for food, seeking clothes; and thousands and tens of thousands of them are idle, hungry and begging for the necessities of life.

To raise taxes we should go to those who have made money, who have money, who have the ability to pay and where profits and incomes have never been taxed in Alabama.

You by a large, decisive vote declared correctly against paying this debt by a general sales tax at the last special session.

This financial principle of taxation was declared to be fundamental by being placed in the Democratic platform at Chicago in July and it is applicable to our situation in Alabama:

"Maintenance of the national credit by a Federal budget annually balanced on the basis of accurate executive estimates within revenues, raised by a system of taxation levied on the principle of ability to pay."

Our great leader—Roosevelt—correctly interprets that clause in the Democratic platform by this declaration thereon:

"Our party says clearly that not only must Government income meet prospective expenditures, but this income must be secured on the principle of ability to pay.

This is a declaration in favor of graduated income, inheritance and profit taxes and against taxes on foods and clothing whose burden is actually shifted to the consumer of these necessities of life on a per capita basis rather than on the basis of the relative size of the personal incomes."

The Democratic principles, our Democratic party and our great Democratic leader, Roosevelt, all declare that "Revenues should be raised by a system of taxation levied on the principle of ability to pay"; and "this is a declaration in favor of graduated income, inheritance and profit taxes."

So a general Sales tax on the consumer should not be levied except as a temporary measure to meet the present, pressing emergency and needs of the schools and debts of the State.

What is the third and last way this Twenty Million Dollar debt can be paid?

There is no permit in Alabama's Constitution to levy an income tax. It should be there with reasonable limitation by an amendment.

To pay this debt and to secure revenue to aid in maintaining our schools we must go to those with ability to pay, by adopting an income tax amendment to the Constitution. It is a just tax. You must have in your possession an income or you pay no tax. If there is no income then there is no tax to be paid. Income escaped taxation by the United States until 1916. Income is not taxed in Alabama. This is a tax that the tax payer pays. It can not be passed on to the other fellow—the consumer. It is not levied until it is placed in the tax payers pocket, belonging wholly to him.

The first Constitution of the United States was adopted in 1787 but there was no federal income tax placed on the statute books until 1915—128 years thereafter; then a world war and a Woodrow Wilson Democratic President were necessary to force an income tax into the federal statutes. Alabama was admitted into the union in 1819, but there is no income tax. Income escaped taxation by the federal government for over 128 years; and income has escaped taxation in Alabama and it is still escaping every day and every year. Will you let it continue to escape taxation? It has escaped too long.

Have the federal income tax payers in Alabama, the ability to pay to Alabama a tax on their net incomes? We must judge the future by the past. Hereto attached will be found table prepared from federal income tax figures by Mr. Hard—the State Comptroller, from which these facts are found. The federal income tax payers have been paying taxes on net incomes to the United States since 1916 and including 1932.

The federal figures secured by the Comptroller show the income tax paid each year, the amount of the income on which the income tax was paid and the net income remaining in the tax payers hands after paying the tax.

The total income tax paid the United States by Alabamians during that time was \$133,067,985.00; the income on which the tax was paid was \$2,259,902,270.00 plus the income for 1930-31-32, which is not available; and the net income remaining after paying the tax in their hands was \$2,174,620,325.00, plus the income remaining for 1930-31-32, which is not available. These figures are enormous. These profits and incomes are tremendous, staggering and amazing. It is hard to comprehend them. Can your mind

grasp and conceive of such great net wealth accumulated annually in 17 years in Alabama, and no tax paid to Alabama thereon?

In 1919 the tax paid was over \$7,500,000.00. The income on which the tax was paid was over \$170,000,000.00. The income remaining after paying the tax was over \$162,000,000.00. This was for one year only.

The last year, the worst year during the depression, the income tax paid by Alabamians to the United States was \$2,263,208.00.

These figures do not include foreign corporations or firms doing business in Alabama whose returns are filed in another state. They would make returns and pay in Alabama under a State income statute.

During seventeen years their income was \$2,259,902,270.00 plus their income for 1930-1931 and 1932 which is not available. After paying during the seventeen years a total tax of \$133,067,985.00, there was still left in their hands the enormous profits aggregating \$2,140,062,459.00 plus the income for 1930, 1931, and 1932. The war tax was \$34,557,866.00 and their regular tax \$98,510,119.00.

These figures clearly demonstrate, with unerring certainty, that the federal income tax payers are able to pay and that is where Alabama should go for its desired revenue.

The federal income tax payers in 1932 numbered in Alabama 215 Domestic corporations and 7,785 individuals—total 8,000. Numerically they are small, financially they are able to pay and influentially they have great weight.

If the Alabama income tax payers had paid to Alabama during the seventeen years the same regular tax \$98,510,119.00 which they paid to the United States without the war tax (\$34,557,866.00) this would have been sufficient to pay all of the Alabama bonded debts—\$66,000,000.00, all of the current debts of Alabama—over \$20,000,000.00 and they would still own and possess the great profits aggregating \$2,041,552,340.00 plus the net profits for the three years 1930, 1931, 1932. And they would never have missed that amount, if paid to Alabama. Yet during these 17 years those federal income tax payers in Alabama did not pay one dime on income to Alabama. Their great income was made in Alabama. Alabama laws, Alabama courts and Alabama officials protected them and permitted them to clear net over \$2,041,552,340.00. From it nothing was paid to Alabama on these enormous incomes; and now many of them are "unalterably opposed to paying an income tax and are fighting it bitterly, in different forms and under different names and with different organizations.

Are you going by your vote to permit them—the 7,785 individual federal income tax payers in Alabama and the 215 corporations, federal income tax payers in Alabama, to continue to escape taxation on their incomes in Alabama and keep all of the burden on the other property in the State, or are you going to vote to submit an amendment to the voters and thereby permit them by their

votes to say whether the expenses of this government which is protecting them and their enormous incomes as it protects you and your property shall bear its fair share of the taxes of Alabama?

Consider it carefully. Remember you are an Alabamian, an Alabama Senator or Alabama Representative and want to pay Alabama's debts. Weigh it wisely. Decide it correctly. When in doubt consult the Book of Books, and there you will find the true guiding principle to control you.

When the tax gatherers called on the Nazarene—Jesus—for tribute money for the government, did He object? No. Did He say "the foxes have holes and the birds of the air have nests and the Son of man hath not where to lay His head" and should not be taxed? No. Did He say He was exempt from taxation? No. Did He complain? No. Did He object to the tax? No. Did He say the King of Kings must not be taxed? No. Did He say that incomes must and should not be taxed? No.

He called and said to St. Peter:

"Lest we should offend them, go thou to the Sea and cast an hook and take up the fish that first cometh up; and when thou has opened his mouth, thou shalt find a piece of money; that take and give unto them for me and thee."

That was not like the daily cry of the anti-income tax payers, but that was the act, declaration and principle of a God made to guide His children on earth.

Examine the Book of Books again and we find that the disciples of the Pharisees went to Jesus and asked Him: "Is it lawful to give tribute unto Caesar or not?"

He said: "Show me the tribute money; and they brought unto Him a penny." "And He saith unto them, whose is this image and superscription? They say unto Him, Caesar's. Then said He unto them. "Render therefore unto Caesar the things which are Caesar's and unto God the things that are God's."

Render therefore unto Alabama the things which are Alabama's.

The federal income tax payers in Alabama made in Alabama net incomes amounting to over two and one-fourth billion dollars during the last seventeen years. They rendered unto the United States tribute money for its protection in making it; but they rendered unto Caesar—Alabama—no tribute money for Alabama's protection in making it; as there was no law calling and forcing them to do so. They should pay tribute to Caesar—Alabama—in the future on such property made in Alabama and protected by Alabama laws, by Alabama Courts and by Alabama officials. You can and should make them do so by voting to submit an income tax amendment to the Constitution to the voters of Alabama.

They should in the future render unto Caesar—Alabama—a part of the great net income that is made by them in Alabama.

Do not be deceived; do not be misled; do not be guided by the persuasive voices of the anti-income tax advocates, anti-income tax organizations and anti-income tax lobbyists; who are seeking to continue to escape Alabama taxation on their incomes.

A tax struggle is going on in Alabama. For practically a century the burden of taxes of the government of Alabama has been carried by the men who own visible property—real estate and personal property. The eye of the Tax Collector sees the real and personal property and it is taxed. The income property is invisible; cannot be seen by the public; its enormity is not generally known; and it has escaped taxation in Alabama. The owner of the real and personal property is slumbering. He is not awake to the situation. He does not yet realize the struggle being made by the anti-income tax payer to keep the burden of taxation on him. The owner of visible property cannot escape taxation. The owner of income property on the other hand, has invisible property, and it has escaped taxation under the Constitution, because of the lethargy of the owner of visible property and because of the power and influence of the men with invisible income property. The eyes of the one will be opened some day to see the acts of the other, and then the real struggle—great struggle will begin and soon end with a great and overwhelming victory for the men of visible property. Their cause is just, and justice will prevail in the end.

Recommendation is made and urged that action on your part is necessary:

1. To provide for the payment of all of the current debts of the State of Alabama and of appropriations past due by submitting to the qualified electors of the State of Alabama an amendment to the Constitution providing for interest bearing bonds, warrants or notes to pay them; and to pass an enabling act to make such amendment effective.

2. To submit to the qualified electors of the State of Alabama an amendment to the Constitution authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each subsequent year.

3. To provide for an income tax to become effective when the Constitutional amendment above provided for is adopted by the people.

4. To provide for a sales tax to become effective when approved by the Governor and to continue in force until an income tax amendment to the Constitution is approved by the voters and becomes operative by an enabling act and yields sufficient revenue to make the further collection of a sales tax unnecessary.

5. To appropriate money to defray the expenses of the Special Session hereby called. The session should be limited to the shortest possible period to accomplish the purposes set out in one, two, three and four; and the clerks employed should be limited to only the number necessary to do the actual work.

There is strength in unity. Results flow from cooperation. Let us cooperate and unite and accomplish good for Alabama by paying or arranging to pay the current debts and keep the schools open and running.

Respectfully,

B. M. MILLER,
Governor.

January 31, 1933.

FEDERAL INCOME TAX PAYMENTS ON RETURNS FILED IN ALABAMA

Year	Income Tax Paid	Income On Which Tax Paid	Income Re- maining After Payment of Tax
1916	\$ 1,088,391.00	\$ 64,538,787.00	\$ 63,450,396.00
1917	4,707,276.00	133,912,080.00*	129,204,804.00
1918	7,791,362.00	165,491,643.00*	157,700,281.00
1919	7,502,844.00	170,483,961.00*	162,981,117.00
1920	7,469,790.00	195,608,335.00*	188,138,545.00
1921	3,703,190.00	129,911,442.00*	126,208,252.00
1922	5,692,299.00	156,093,267.00*	150,400,968.00
1923	7,597,699.00	205,025,731.00	197,428,032.00
1924	6,676,320.00	194,728,794.00	188,052,474.00
1925	7,305,143.00	172,954,465.00	165,649,322.00
1926	7,309,752.00	177,185,234.00	169,875,482.00
1927	6,617,140.00	168,891,562.00	162,274,422.00
1928	7,090,451.00	173,418,663.00	166,328,212.00
1929	4,730,288.00	151,658,306.00	146,928,018.00
Total, 1916-1929	\$ 85,281,945.00	\$ 2,259,902,270.00	\$ 2,174,620,325.00
1930	6,656,679.00	Not Available	Not Available
1931	4,308,287.00	Not Available	Not Available
1932	2,263,208.00	Not Available	Not Available
Total Income Tax Paid, 1916-1932,	\$ 98,510,119.00		
*War Profits Tax, 1917-1922,	\$ 34,557,866.00		\$ 34,557,866.00
Total Tax Paid Federal Government, 1916-1932,	\$ 133,067,985.00		\$ 2,140,062,459.00

STATE OF ALABAMA
OFFICE OF STATE COMPTROLLER
MONTGOMERY

January 24, 1933.

Hon. B. M. Miller,
Governor of Alabama,
The Capitol.

Dear Sir:

I am submitting herewith for your information a comparison of the pay rolls for March 1930, March 1931 and December 1932.

A comparison of March 1931, two months after you assumed office, with March 1930 shows a reduction of \$59,480.00, or an annual saving of \$713,-760.00.

A comparison of the December 1932 pay rolls, after the Bonner Salary Cutting Bill and the new Appropriation Act became effective, shows a further reduction of \$84,678.00, or an annual reduction of \$1,016,141.00, as compared with March 1931.

A comparison of March 1930 with December 1932 shows a monthly reduction of \$144,160.00 or an annual saving of \$1,729,900.00.

Yours very truly,

J. H. HARD, JR.,
State Comptroller.

H:B
encl.

	March 1930	March 1931	December 1932
Convict Department.....	\$ 73,010.70	\$ 43,969.67	\$ 27,085.71
Highway Department.....	125,013.78	115,597.96	105,063.21*
Health Department.....	35,693.41	40,401.92	27,197.42
Executive and Administrative Departments, (except Eleemosynary and Correctional Institutions, School for Deaf and Blind at Talladega and Geological Survey	153,330.18	119,349.57	114,784.21
Alabama Insane Hospitals and Partlow School for Feeble Minded.....	30,119.53	29,553.15	26,990.54†
	<u>\$417,167.60</u>	<u>\$348,872.27</u>	<u>\$301,121.09</u>
Normal Schools, School of Trades and State Teachers Colleges.....	43,488.02	44,113.36	30,898.27
Alabama College.....	34,988.38	35,797.59	25,851.29
Alabama Polytechnic Institute.....	62,400.85	66,782.84	57,951.16
University of Alabama.....	49,429.50	52,428.31	47,494.13
	<u>\$607,474.35</u>	<u>\$547,994.37</u>	<u>\$463,315.94</u>

*—Includes Federal Emergency pay roll, amount \$14,670.81.

†—Includes Building pay roll, amount \$1,381.40.

BUDGET ESTIMATES FOR YEAR 1932-33

General Fund:

Estimated Revenue	\$ 6,430,358.33
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Amounts Appropriated:

Fixed	\$ 4,465,390.11
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Subject to Reduction	3,415,603.23
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Total Appropriated	7,880,993.34
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Estimated Deficit	\$ 1,450,635.01
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Reduction Required	42.47%
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Revised Appropriations:

Fixed, 100.00%	\$ 4,465,390.11
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Subject to Reduction, 57.53%	1,964,996.40
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	\$ 6,430,386.51
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Alabama Special Educational Trust Fund:

Estimated Revenue	\$ 2,655,550.00
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Transfer from General Fund	1,500,000.00
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Total Estimated Revenue	\$ 4,155,550.00
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Amounts Appropriated	4,980,167.08
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Estimated Deficit	\$ 824,617.08
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Revised Estimate:

Estimated Revenue	\$ 2,655,550.00
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Transfer from General Fund, (57.53% of Appropriation)	862,950.00
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Total Revenue Available	\$ 3,518,500.00
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Appropriations	4,980,167.08
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Estimated Deficit	\$ 1,461,667.08
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Reduction Required	29.35%
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Pension Fund:

Estimated Revenue, (1 Mill Tax)	\$ 1,050,000.00
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Transfer from General Fund	117,600.00
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Total Estimated Revenue	\$ 1,167,600.00
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Estimated Payments to Pensioners	\$ 1,163,400.00
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Estimated Expenses	4,200.00
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Amount Appropriated	1,167,600.00
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January 27, 1933.

ESTIMATED REVENUE FROM ALL SOURCES
FOR FISCAL YEAR ENDING SEPTEMBER 30, 1933.

Statement No. 1.

Total Estimated Revenue.....\$33,013,098.86
Revenue levied and appropriated for Specific Purposes:

Public Schools	\$ 3,609,500.00	
3 Mill Tax	\$ 3,150,000.00	
Poll Tax, Escheats, etc.	459,500.00	
Special Educational Taxes	2,655,550.00	
Pensions, (1 Mill Tax)	1,050,000.00	
Highway Revenues	11,623,188.86	
Motor Vehicle License	\$ 2,313,468.71	
Gas Excise Tax	3,967,131.63	
Motor Carrier Fees	15,000.00	
Motor Mileage Tax	64,000.00	
Highway Fines	4,656.25	
Miscellaneous Income	14,232.43	
City, County and Railroad Aid	18,707.84	
Federal Aid, Regular	109,534.00	
Federal Aid, Emergency	5,116,458.00	
Game and Fish Licenses	100,000.00	
Real Estate Licenses	6,000.00	
Architects Fees	1,200.00	
Agricultural Fees and Taxes	250,000.00	
Premiums State Insurance Fund	175,000.00	
Convict Department Revenues	1,000,000.00	
Bridge Corporation Tolls	275,000.00	
Forestry Licenses	25,000.00	
Securities Commission Fees and Licenses	9,000.00	
Utilities Inspection Fees, (Public Service Commission)	31,000.00	
Miscellaneous Trust Revenues	58,635.00	
Sinking Funds	750,000.00	
Renewal of Temporary Loan	300,000.00	
Revenues Collected for Counties	4,663,666.67	
Gas Excise Tax (3c)	\$ 4,500,000.00	
Corporation Taxes (10%)	160,000.00	
Carbonic Acid Gas Tax, (33⅓%)	3,666.67	

Total Revenue Collected for Specific Use of Departments,
Commissions and Counties.....\$26,582,740.53

Balance available for the expenses of the Executive, Legis-
lative and Judicial Departments of the State; for Interest
on the Public Debt; for Maintenance of the Eleemosynary
and Correctional Institutions, and Other Expenses.....\$ 6,430,358.33

January 27, 1933.

RECAPITULATION OF APPROPRIATIONS FOR 1932-33 AND COMPARISON WITH PREVIOUS YEAR

	Appropriation		Total Appropriation	Total Expended 1931-32
	Fixed	Subject to Reduction		
Legislative.....	\$ 183,912.77		\$ 183,912.77	\$ 112,539.97
Executive and Administrative.....	371,861.62	\$ 129,642.06	501,503.68	461,224.98
Judicial.....	414,109.66		414,109.66	403,641.30
Elections.....	30,800.00		30,800.00	75,177.25
Maintenance and Upkeep of Government Buildings.....	37,675.00		37,675.00	34,220.42
Law Enforcement.....	28,700.00	65,141.00	93,841.00	109,601.74
Business Regulations.....	83,500.00	64,937.50	148,437.50	189,833.00
Conservation of Health and Sanitation.....	16,587.50	515,340.00	531,927.50	827,160.93
Development and Conservation of Natural Resources.....	3,500.00	38,401.00	41,901.00	81,464.64
Charities, Hospitals and Corrections.....	1,345,723.37	544,141.67	1,889,865.04	1,484,795.81
Education.....	195,736.00	2,054,300.00	2,250,036.00	4,747,657.74
Recreation.....	1,250.00	2,500.00	3,750.00	2,411.19
Interest.....	882,720.00		882,720.00	805,442.67
Grants and Endowments.....	306,539.44		306,539.44	281,578.00
Pensions (Deficit).....	116,325.00	1,200.00	117,525.00	198,937.75
Emergency Fund.....	100,000.00		100,000.00	
Special Appropriations: (August and September Pay Rolls).....	346,449.75		346,449.75	
Totals.....	\$ 4,465,390.11	\$ 3,415,603.23	\$ 7,880,993.34	\$ 9,815,687.39

APPROPRIATIONS BY DEPARTMENTS

	1932 Appropriation Act	Revised Appropriation (Per Opinion of the Attorney General)		Expended 1931-32
		Fixed	Subject to Reduction	
1 Legislative.....	\$ 250,000.00	\$ 98,912.77 } 85,000.00 }	\$ 183,912.77	\$ 98,912.77 12,972.46 654.74
2 Executive and Administrative:				
Governor's Office.....	16,075.00	16,270.83	900.00	16,999.92
Governor's Contingent Fund.....	25,000.00	25,000.00		8,191.19
Governor's Mansion Fund.....	2,000.00		2,000.00	375.97
Governor's Proclamations.....	40,000.00	40,000.00		26,403.83
Governor's Mansion (Fuel, Lights and Water).....	12.00		12.00	2,400.00
State Auditor.....	11,920.00	11,240.00		20,685.48
State Comptroller.....	111,675.00	111,970.80		98,510.93
State Treasurer.....	14,400.00	16,716.66		17,200.00
State Tax Commission.....	117,920.00	7,100.00	110,000.00	100,647.77
Attorney General.....	40,000.00	27,465.00	12,535.00	42,625.14
Secretary of State.....	10,810.00	10,852.50		9,093.55
Archives and History.....	17,790.06	14,745.83	4,195.06	19,911.50
Advertising Land for Taxes.....	20,000.00	20,000.00		20,807.03
Postage and Box Rent.....	10,000.00	10,000.00		18,087.55
Stationery and Office Supplies.....	12,500.00	12,500.00		12,500.00
Public Printing and Binding.....	40,000.00	40,000.00		46,989.03
Telephone and Telegraph.....	5,000.00	5,000.00		4,881.48
Premiums on Official Bonds.....	2,000.00	2,000.00		1,762.52
Distributing Public Documents.....	1,000.00	1,000.00		1,321.92
Budget Commission.....				4,800.00

6	Judicial:						
	Supreme Court.....	72,985.00	75,182.50	75,182.50	75,182.50	76,170.00	
	Court of Appeals.....	25,887.50	26,477.16	26,477.16	26,477.16	26,550.00	
	Circuit Courts.....	309,450.00	312,450.00	312,450.00	312,450.00	300,921.30	
7	Elections:						
	Registration of Voters.....	30,000.00	30,000.00	30,000.00	30,000.00	75,177.25	
	Presidential Electors.....	800.00	800.00	800.00	800.00		
8	General Government Buildings:						
	Repairing and Refurnishing Capitol.....	10,000.00	10,000.00	10,000.00	10,000.00	7,578.21	
	Fuel, Lights and Water.....	12,500.00	12,500.00	12,500.00	12,500.00	10,601.60	
	Capitol Watchmen.....	4,800.00	4,800.00	4,800.00	4,800.00	6,300.00	
	Capitol Gardener.....		1,437.50	1,437.50	1,437.50	1,500.00	
	Capitol Electrician.....	1,530.00	1,437.50	1,437.50	1,437.50	16.84	
	Repairs to Residence Property.....	1,500.00	1,500.00	1,500.00	1,500.00	5,835.64	
	Insurance on Capitol.....	6,000.00	6,000.00	6,000.00	6,000.00	1,800.00	
	Capitol Servants.....	.00				588.13	
	Rental of Offices.....						
	Law Enforcement:						
	Militia and Armories.....	70,500.00	17,300.00	50,740.00	68,040.00	75,746.58	
	Armory Commission.....	1.00	1.00	1.00	1.00	.00	
	Fire Marshal.....	25,380.00	11,400.00	14,400.00	25,800.00	25,596.59	
	Active Military Service.....					8,258.57	
	Regulation:						
	Banking Department.....	32,760.00	29,037.50	7,500.00	36,537.50	37,531.73	
	Insurance Department.....	28,000.00	13,262.50	14,237.50	27,500.00	26,782.32	
	Securities Commission.....	Receipts				15,257.60	
	Public Service Commission.....	57,000.00	20,300.00	36,700.00	57,000.00	81,844.16	
	Real Estate Commission.....	Receipts					
	Mining Department.....	30,000.00	20,900.00	6,500.00	27,400.00	28,417.19	

APPROPRIATIONS BY DEPARTMENTS—Continued

	1932 Act	Revised Appropriation (Per Opinion of the Attorney General)			Expended 1931-32
		Appropriation	Fixed	Subject to Reduction	
Conservation of Health and Sanitation:					
Health Department.....	400,000.00			400,000.00	686,383.00
Child Welfare.....	85,000.00	3,500.00		81,000.00	101,059.85
Pasteur Treatments.....	30,000.00			30,000.00	23,230.50
State Service Commission.....	15,380.00	13,087.50		4,340.00	16,487.58
Development and Conservation of Natural Reserves:					
Alabama Industrial Development Board.....	15,000.00		3,500.00	15,000.00	20,598.72
Geological Survey.....	25,000.00			21,000.00	54,000.00
Topographical Survey.....	1.00			1.00	4,022.50
State Serum Plant.....	2,400.00			2,400.00	2,843.42
Charities, Hospitals and Corrections:					
Insane Hospitals.....	\$3.00/\$4.00 per week		890,448.00		832,398.74
Partlow School.....	\$3.00/\$4.00 per week		110,656.00		139,619.25
Boys' Industrial School.....	\$3.75/\$4.68 per week		100,751.04		119,812.50
State Training School for Girls.....	35,000.00			35,000.00	50,000.00
Reform School for Negroes.....	\$2.00 per week		35,360.00		45,205.71
Convict Department.....	507,500.00		6,250.00	500,000.00	93,559.07
Feeding Prisoners in County Jails.....	185,000.00		185,000.00		169,693.05
Prison Inspector.....	9,280.00		8,258.33	1,641.67	11,124.71
Arrest of Absconding Felons.....	1,500.00		1,500.00	1,500.00	2,000.00
Removal of Prisoners in County Jails.....	7,500.00		7,500.00	7,500.00	6,167.78
J. M. Faulkner Soldiers' Home.....	7,500.00			7,500.00	15,215.00
Education:					
State Board.....	58,500.00		6,000.00	52,500.00	2,097,626.77
Public School Fund.....	500,000.00			500,000.00	23,384.98
Alabama Special Educational Trust Fund.....	1,500,000.00			1,500,000.00	500,000.00
World War Orphans' Scholarship Fund.....	1,800.00			1,800.00	1,909,247.89
Institute for Deaf and Blind.....	\$296.00 per Annum		189,736.00	1,800.00	968.10
				189,736.00*	216,430.00

Recreation:					
White House of Confederacy.....	2,500.00			2,500.00	1,411.19
Confederate Museum.....	250.00	250.00		250.00	.00
Confederate Reunion.....	1,000.00	1,000.00		1,000.00	1,000.00
Interest:					
Interest on Temporary Loan.....	18,000.00	18,000.00		18,000.00	14,458.33
Bonded Debt.....	339,720.00	339,720.00		339,720.00	339,720.00
Harbor Improvement Bonds.....	225,000.00	225,000.00		225,000.00	†200,000.00
Interest Contingent Fund.....	300,000.00	300,000.00		300,000.00	231,264.34
Grants and Obligations:					
Interest on 16th Section Land	138,248.39	138,248.39		138,248.39	189,586.89
School Indemnity Lands.....	18,433.44	18,433.44		18,433.44	
Valueless 16th Section Lands.....	5,825.47	5,825.47		5,825.47	
Surplus Revenue.....	26,763.47	26,763.47		26,763.47	
James Wallace Fund.....	275.35	275.35		275.35	
	189,546.12				
Grove Hill Endowment.....	600.00	600.00		600.00	600.00
Spanish American War Relief.....	150.00	150.00		150.00	147.79
Alabama College.....	34,963.32	34,963.32		34,963.32	34,963.32
University of Alabama.....	61,000.00	61,000.00		61,000.00	36,000.00
Alabama Polytechnic Institute.....	20,280.00	20,280.00		20,280.00	20,280.00
Emergency and Transfers:					
Pension Fund.....	117,600.00	116,325.00		117,525.00	198,937.75
Emergency Fund.....	100,000.00	100,000.00		100,000.00	
August and September Pay Rolls.....	334,811.81	334,811.81		334,811.81	
Child Welfare Department.....	11,637.94	11,637.94		11,637.94	
Grand Totals.....		\$ 4,465,390.11	\$ 3,415,603.23	\$ 7,880,993.34	\$ 9,815,687.39

†—Indicates NET Expenditure.

ESTIMATED REVENUE, GENERAL FUND FOR YEAR 1932-33

Estimated Revenue:	Estimated Revenue 1932-33	Receipts 1st Quarter	Balance Anticipated
Advalorem Tax (2½ Mills).....	\$ 2,625,000.00	\$ 505,699.26	\$ 2,119,300.74
Corporation Taxes.....	1,440,000.00	24,586.13	1,415,413.87
Estate and Inheritance Taxes.....	177,500.00	25,560.24	151,939.76
Deed Record Tax.....	35,000.00	4,584.81	30,415.19
Mortgage Tax.....	75,000.00	5,652.27	69,347.73
Record of Securities.....	5,750.00	6,988.30	*1,238.30
Carbonic Acid Gas Tax.....	7,333.33	1,675.42	5,657.91
Privilege License.....	850,000.00	632,877.03	217,122.97
Bill Posters Licenses.....	500.00	.00	500.00
Chauffeurs' Licenses.....	12,250.00	2,856.75	9,393.25
Distillers of Turpentine.....	1,400.00		1,400.00
Express, Telephone and Tele- graph Companies.....	22,850.00	22,725.25	124.75
Insurance Licenses.....	825,000.00	3,438.44	821,561.56
Lubricating Oil Licenses.....	125,000.00	26,596.34	98,403.66
Lawyers Licenses.....	4,300.00	1,335.00	2,965.00
News Company Licenses.....	50.00	590.10	*540.10
Oil Company Licenses.....	27,500.00	14,225.67	13,274.33
Freight Line Equipment Compa- nies.....	8,500.00	290.16	8,209.84
Fire Marshal's Tax.....	30,500.00		30,500.00
Trial Tax.....	50,000.00	7,355.72	42,644.28
Solicitors Fees.....	12,500.00	1,464.41	11,035.59
Miscellaneous Departmental Fees	10,925.00	9,755.05	1,169.95
Departmental Earnings:			
Banking Department.....	10,000.00	59.00	9,941.00
Health Department, Vital Sta- tistics.....	900.00	184.00	716.00
Examiners of Accounts.....	25,000.00	5,205.87	19,794.13
Alabama Athletic Commission.....	4,000.00		4,000.00
Miscellaneous Receipts:			
Fines Violating License Laws.....	250.00		250.00
Rental of State Property.....	1,750.00	45.00	1,705.00
Sale of Publications.....	1,500.00	60.28	1,439.72
Sale of Tax Lands.....	30,000.00	1,622.73	28,377.27
Newsboys Badges.....	100.00		100.00
Assignment of Tax Certificates	10,000.00	285.63	9,714.37
Estimated Revenue.....	\$ 6,430,358.33		
Collections First Quarter.....		\$ 1,305,718.86	
Balance Anticipated Revenue			\$ 5,126,417.87
*Receipts in Excess of Antici- pation.....			*1,778.40
Refunds, Deductions from Ex- pense.....		146,438.43	
Total Receipts, General Fund.....		\$ 1,452,157.29	

ALABAMA SPECIAL EDUCATIONAL TRUST FUND
ESTIMATED REVENUES FOR YEAR 1932-33

	Estimated Revenue	Received 1st Quarter	Balance Estimated
Store License Tax.....	\$ 55,000.00	\$ 151.12	\$ 55,151.12
Tobacco Tax.....	1,450,000.00	319,992.35	1,130,007.65
Coal Tonnage.....	210,000.00	49,787.59	160,212.41
Iron Ore Tonnage.....	85,000.00	12,125.10	72,874.90
Severance, Other Minerals.....	3,550.00	695.27	2,854.73
Railroad Tonnage.....	375,000.00	262,622.97	112,377.03
Express Companies.....	7,000.00	2,548.14	4,451.86
Telephone Companies.....	150,000.00	133,481.90	16,518.10
Hydro-Electric.....	300,000.00	281,511.46	18,488.54
Pullman Car Company.....	20,000.00		20,000.00
<hr/>			
Total Estimated Revenue.....	\$ 2,655,550.00		
Revenue Realized 1st Quarter.....		\$ 1,062,613.66	
Balance, Estimated Revenue.....			\$ 1,592,936.34

ALABAMA SPECIAL EDUCATIONAL TRUST FUND—FOR QUARTER ENDING DEC. 31, 1932

Section	Appropriations per Senate Bill 236—1932	Annual Appropriation	% of Total Appropriation	Pro-Rata Allotment	Disbursed 10/1, 12/31/32	Balance Available Jan. 1, '33
1	Equalization Fund	\$ 900,000.00	18.07	\$ 192,014.29	\$ 182,420.99	\$ 9,593.30
2	Attendance Fund	850,000.00	17.07	181,388.15	172,268.87	9,119.28
3	Rural School Libraries	17,500.00	.35	3,719.15	366.94	3,352.21
4-1	State Teachers College, Florence	52,500.00	1.05	11,157.44	7,058.90	4,098.54
	Jacksonville	52,500.00	1.05	11,157.44	7,058.90	4,098.54
	Livingston	52,500.00	1.05	11,157.44	7,058.90	4,098.54
	Troy	73,249.00	1.47	15,620.42	.00	15,620.42
4-2	Secondary Agricultural Schools	10,000.00	.20	2,125.23	.00	2,125.23
4-3	State Normal School, Daphne	52,500.00	1.06	11,263.70	11,183.20	80.50
4-4	State Teachers College, Montgomery	5,000.00	.10	1,062.61	.00	1,062.61
4-5	Tuskegee Normal & Industrial Institute	140,000.00	2.81	29,859.44	35,294.00	5,434.56
4-6	Teachers Training and Equalization Fund	17,500.00	.35	3,719.15	2,062.15	1,657.00
4-7	A. & M. Institute, Normal	5,000.00	.10	1,062.61	.00	1,062.61
4-8	Alabama Vocational School for Girls, Birmingham	224,000.00	4.50	47,817.61	7,164.03	40,653.58
5	Vocational Education	411,000.00	8.25	87,665.63	83,279.15	4,386.48
6	High School Fund	35,000.00	.70	7,438.30	9,121.05	1,682.75
7	Alabama School of Trades & Industries, Gadsden	70,000.00	1.41	14,982.85	6,998.92	7,983.93
8	State Board of Education, Administration					
9-1	Alabama College					
	Summer School (1919, p. 1037)	2,800.00	.06	637.57	613.19	24.38
	Support and Maintenance (1919, p. 795)	42,000.00	.84	8,925.95	9,214.07	288.12
	Support and Maintenance (1927, p. 447)	140,319.98	2.82	29,965.72	30,781.24	815.52
9-2	University of Alabama					
	Summer School (1919, p. 1037)	4,900.00	.10	1,062.61	986.63	75.98
	Maintenance and Operation (1919, p. 1037)	56,000.00	1.13	12,007.53	11,299.41	708.12
	Mine Experiment Station (School Code, Sec. 565)					
	Graduate School of Medicine (1919, 1037)	17,500.00	.35	3,719.15	3,528.81	190.34
	School of Medicine (1919, p. 1037)	7,000.00	.14	1,487.66	1,411.53	76.13
	Extension Service Fund (1919, p. 1037)	14,000.00	.28	2,975.31	2,830.25	145.06
	Medical Aid Fund (1907, p. 340)	5,250.00	.11	1,168.88	1,058.65	110.23
	Support and Maintenance (1927, p. 447)	3,500.00	.07	743.83	705.76	38.07
		248,749.05	5.00	53,130.70	50,195.59	2,935.11

9-3 Alabama Polytechnic Institute	16,800.00	.34	3,612.89	2,189.31	1,423.58
Experimental Fields (1927, p. 473)	3,500.00	.07	743.83	453.70	290.13
Summer School (1919, p. 796)	31,500.00	.63	6,694.47	4,112.15	2,582.32
Maintenance (1919, p. 796)	8,750.00	.18	1,912.70	1,145.06	767.64
Animal Husbandry (1919, p. 796)	5,250.00	.11	1,168.88	684.16	484.72
Investigation in Agriculture (1919, p. 797)	113,750.00	2.28	24,227.59	14,842.63	9,384.96
Extension Service (School Code, Section 538)	18,900.00	.38	4,037.93	2,462.97	1,574.96
Agricultural Research (1911, p. 5-8)	80,900.00	1.22	12,963.89	7,950.63	5,013.26
Fund in lieu of Fertilizer Tags (1927, p. 330)					
Sub Agriculture Experiment Stations (1927, p. 476)	43,750.00	.88	9,351.00	5,710.92	3,640.08
Support and Maintenance (1927, p. 447)	248,749.05	5.00	53,130.68	32,465.10	20,665.58
9-A Bonus School Fund	268,000.00	5.38	57,168.61	.00	57,168.61
9-B County High School Fund	301,500.00	6.05	64,288.23	.00	64,288.23
9-C Secondary Agricultural Schools Demonstration Farms	22,050.00	.44	4,675.50	.00	4,675.50
9-D Physical Restoration Fund	5,000.00	.10	1,062.61	880.25	182.36
9-E Civilian Rehabilitation Fund	13,500.00	.27	2,869.06	375.00	2,494.06
9-F Service for the Blind	4,000.00	.08	850.00		850.00
9-G Revolving Fund	100,000.00	2.01	21,358.53		21,358.53
9-H Southern Industrial Institute	5,000.00	.10	1,062.61		1,062.61
19 Rural School House Building Fund	134,000.00	2.69	28,584.31	4,869.53	23,714.78
20 Illiteracy Fund	12,500.00	.25	2,656.53	600.00	2,056.53
Total Appropriated	\$ 4,980,167.08	100.00	\$ 1,062,613.66	\$ 729,761.44	\$ 332,852.22
Credit by Pro-rata Allotment					
Payments 10/1/32-12/31/32					
Balance Available 1/1/33					

At the conclusion of the Governor's Message, the Lieutenant-Governor announced that the purposes of the joint session having been accomplished, the Senate would return to its chamber:

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 1. To amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, To provide for the general revenue of the State of Alabama."

Committee on Finance and Taxation.

By Mr. Walker:

S. 2. To repeal Section 3122 of the Code of Alabama 1923.

Committee on Finance and Taxation.

By Mr. Walker:

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the County Depository of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel, under the terms and provisions of House Bill No. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern.

Notice is hereby given that there will be introduced, and an effort made to have it enacted into law, at the special or extraordinary session of the legislature of Alabama called to convene on January 31st, 1933, a bill requiring the Board of Revenue or Court of County Commissioners of Limestone County, Alabama, to use exclusively the money paid into the County Treasury (or Treasurer) or County Depository as the proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel under the terms and provisions of House Bill No. 1204 (Act No. 743) of the legislature of Alabama of 1931, which act was approved on July 27, 1931, (General Acts of Legislature of Alabama of 1931, pages 859 to 864), for the

purpose of paying the principal of the \$135,000.00 of bonds issued by Limestone county, Alabama, for road purposes in the year 1907, or on such of said bonds as are still outstanding until said issue shall have been paid in full, or refunded.

R. H. WALKER,
THOS. W. SPENCER

The State of Alabama, }
Montgomery County. }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a newspaper published in Athens, Limestone County, Alabama, and that the above and foregoing notice of intention to introduce a local bill in the Special Session of the Legislature, 1933, was published in said newspaper in the issues of January 5th, 12th, 19th and 26th, 1933.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 31st day of January, 1933.

JULIA KLINGE,
Notary Public.

By Mr. Mullins:

S. 4. To repeal Sections 4615 to 4800, both inclusive, of the Code of Alabama of 1923, and to provide that upon a modification or repeal of any federal statute by the Congress of the United States, whereby the sale of beverages is authorized which contain an alcoholic content of a higher percentage than that now authorized by law in this State, the sale of such beverages so authorized shall become legal in the State of Alabama.

Committee on Temperance.

By Mr. McDaniel:

S. 5. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII, said amendment to be as follows: "Article XXIII. Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this amendment no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this state, except as herein provided for, shall be absolutely void; provided that all warrants issued by the State dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the state; the said warrants may be made payable at a future date not later than January 1, 1933, and new warrants in the same or other denomination may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding

warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the State and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State", and to provide for an election thereon.

Committee on Constitution, Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. McDaniel:

S. 6. To provide for the issuance, sale and/or exchange of interest bearing warrants of the State of Alabama for the purpose of refunding all outstanding warrants dated prior to October 1, 1932, as authorized by an amendment to the Constitution of Alabama known as Article XXIII; to create a commission to carry out the provisions of this Act; to make an appropriation to pay interest and principal of said warrants and to designate the funds from which said appropriation shall be made.

Committee on Finance and Taxation.

By Mr. Garrett:

S. 7. To amend Section 1494 of the Code of Alabama.

Committee on Fish, Game & Forestry.

By Mr. Riddle:

S. 8. To propose an amendment to the Constitution of Alabama to be known as 'Article XXIV', exempting from state ad valorem taxation and from levy and sale for state ad valorem taxes, the homestead of every resident of this state, the same to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2,000.00) and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, and to provide the time and manner such amendment shall go into effect.

Committee on Constitution, Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hooton:

S. 9. To amend Section 8 of an act entitled an act "In reference to and to further provide for the general revenue of the State of Alabama", being House Bill 359 by Tunstall on page 139 of the General Acts of Alabama of 1927.

Committee on Finance and Taxation.

By Mr. Hooton:

S. 10. To amend Section 7 of an act entitled an act "In reference to and to further provide for the General Revenue of the State of Alabama," being House Bill 359 by Tunstall on page 139 of the 1927 General Acts of Alabama.

Committee on Finance and Taxation.

By Mr. Hooton:

S. 11. To amend Section 9 of an act entitled an act, "In reference to and to further provide for the General Revenue of the State of Alabama", being House Bill 359 by Tunstall on page 139 of the General Acts of Alabama of 1927.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 12. To amend Section 3088 of the Alabama Code of 1923.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 13. To amend Section 3089 of the Alabama Code of 1923.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 14. To amend Section 9509 of the Alabama Code of 1923.

Committee on Judiciary.

By Mr. Kelley:

S. 15. To provide for the relief of real estate mortgagors and other judgment debtors from deficiency judgments in foreclosure to the extent of the true value of the mortgaged property, and to prescribe the procedure thereon.

Committee on Judiciary.

By Mr. Kelley:

S. 16. To amend Section 9 of an Act entitled "An act to amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 11 and 12, and add Section 12-1/2 thereto of an act entitled 'An act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this state,—providing for the collection and payment of such tax, and the distribution of the funds derived therefrom, and fixing the penalties for the violations of any of the provisions of this act, approved February 10th, 1923.'"

Committee on Finance and Taxation.

By Mr. Cowart:

S. 17. To amend Section 373 of the Code of Alabama of 1923.

Committee on Privileges and Elections.

By Mr. Scruggs:

S. 18. To amend Section 188 of the Alabama School Code of 1927.

Committee on Education.

By Mr. Scruggs:

S. 19. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

Committee on Public Roads and Highways.

By Mr. Powell:

S. 20. To repeal an act approved January 17, 1927, entitled "An act to amend Section 1530 of the Code of Alabama of 1923."

Committee on Revision of Laws.

By Mr. Darden:

S. 21. To authorize, empower and direct the Commissioners' Court of Coosa County, or any other like governing body of said county to appropriate for the use and benefit of the public schools of Coosa County, Ala., to be used in the payment of sums now due or that may be hereafter be due to the teachers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied and collected or that may hereafter be levied and collected by the State of Alabama and paid to the several counties of this state, coming to Coosa County, Alabama, from such funds under the several acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Coosa County, Alabama, is sufficient to run the public schools of Coosa County, Alabama, including school bus transportation for a term of eight months free school; to ratify and confirm all appropriations heretofore made out of said funds by the Commissioners' Court of Coosa County, Alabama, for the use and benefit of the public schools of the County; to repeal all laws and parts of laws in conflict with the provisions of this act, and to provide when the provisions of this act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala., Dec. 26th, 1932

TO WHOM IT MAY CONCERN:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the approaching Special or Extraordinary Session of the Legislature of Alabama, the substance of which local bill will be as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize, empower and direct the Commissioners' Court of Coosa County, or any other like governing body of said county to appropriate for the use and benefit of the public schools of Coosa County, Ala., to be used in the payment of sums now due or that may hereafter be due to the teachers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied and collected by the State of Alabama and paid to the several counties of this State, coming to Coosa County, Alabama, from such funds under the several acts of the Legislature of Alabama, such appropriations to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said County and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Coosa County, Alabama, is sufficient to run the public schools of Coosa County, Alabama, including school bus transportation for a term of eight months free school; to ratify and confirm all appropriations heretofore made out of said funds by the Commissioners' Court of Coosa County, Alabama, for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE.—The Commissioners' Court of Coosa County, Alabama, or similar governing body of said county, is hereby authorized, empowered and directed to appropriate twenty-five (25%) per centum of all funds derived and received now or hereafter by Coosa County, Alabama, from the State of Alabama from the excise tax, on gasoline or other liquid motor fuel or any other tax on gasoline or liquid motor fuel levied and collected by the State of Alabama for the use and benefit of the several counties of this State, to the public schools of Said County and State, until September 1st, 1935, or until such time as other funds received by Coosa County, Alabama, shall be sufficient to run the public schools of Coosa County, Alabama, free of any charge to the pupils, including transportation, eight months each scholastic year. The appropriation herein required and provided shall be paid monthly to the officer, officers or person who is legally entitled to receive and pay out public school funds. The money so appropriated shall be paid exclusively to teachers engaged in actual teaching in the public schools and to the operators of public schools buses of said County.

The money appropriated herein may be used, in the discretion of the County Board of Education, in payment of past due salaries of teachers and operators of public school buses.

SECTION TWO.—The appropriation provided in Section One of this Act, shall be in lieu of appropriations heretofore made out of said funds to the public schools of the county, and all appropriations heretofore made and paid or agreed to be paid, are hereby confirmed, ratified and validated, and all previous appropriations or appropriation from said funds by the Com-

missioners' Court are hereby revoked, annulled and repealed.

SECTION THREE.—At the first meeting of the Commissioners' Court, or other or like governing body of Coosa County, Alabama, after receipt from the State of the monthly payment to Coosa County, Alabama, of the sum from such excise tax on gasoline or other liquid motor fuel, it is made mandatory on said Commissioners' Court or like governing body of said county, to order warrant drawn on said special fund in the sum of twenty-five (25%) per centum of the amount received, and it shall be the duty of the Probate Judge to draw warrant for said amount, payable to the officer, officers or person entitled to receive public school funds for Coosa County, Alabama, and deliver the same to party entitled to receive such warrant.

SECTION FOUR.—The provisions of this Act shall go into effect on its passage and approval by the Governor. Should any section, clause or provision of this Act be declared unconstitutional by any court of competent jurisdiction, then the remaining parts shall remain in full force and effect.

SECTION FIVE.—All laws, parts of laws, local or general, and all orders of the Commissioners' Court of Coosa County, in conflict with the provisions of this Act are hereby expressly repealed.

JOHN A. DARDEN,
Senator, 24th District.

State of Alabama }
Coosa County }

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Rockford Chronicle, a newspaper published at Rockford, in said State and County, and that the attached Notice of Local Bill was published in said newspaper for four consecutive issues, dated: December 29th, 1932; January 5th, 1933; January 12th, 1933; January 19th, 1933.

BILLY SMITH,
Publisher.

Sworn to and subscribed before me this the 28th day of January, 1933.

HENRY A. TEEL,
Notary Public.

(Seal)

By Mr. Darden:

S. 22. To provide for the issuance of all motor vehicle tags for fifty per cent of the amount now provided by law for the remainder of the present tax year, and to further provide that ad valorem taxes for the remainder of the present tax year shall be only fifty per cent of the regular taxes now collected by the State, County, District or municipality on motor vehicles; and to define the duties of officials in carrying this act into effect.

Committee on Finance and Taxation.

By Mr. Darden:

S. 23. To require the Board of Review of Coosa County, Alabama, to give each tax payer of the county whose assessment for taxes are sought to be increased, written notice by registered mail, with return registration receipt requested, of the time and the place set for hearing by the said Board of Review of hearing each tax payer's assessment; and any increases made without such notice having been given shall be null and void as to the increase

made at said hearing of the Board of Review as to such persons and it is made the duty of the Secretary or Clerk of the Board of Review of Coosa County, to give such registered notices.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala., Dec. 31, 1932.

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the approaching Special or Extraordinary Session of the Alabama Legislature, the substance of which bill will be as follows:

A BILL TO BE ENTITLED AN ACT

To require the Board of Review of Coosa County, Alabama, to give each tax payer of the county, whose assessment for taxes are sought to be increased, written notice by registered mail, with return registration receipt requested, of the time and the place set for hearing by the said Board of Review of hearing each tax payer's assessment; and any increases made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such person; and it is made the duty of the Secretary or Clerk of the Board of Review of Coosa County to give such registered notices.

Be It Enacted By The Legislature Of Alabama:

1. The Board of Review of Coosa County, Alabama, shall give each tax payer of the county, whose taxes are sought to be increased, a written notice by registered United States Mail, with return registration receipt requested, with each notice, at least ten days before the date set for the hearing by the Board of Review of each tax payer's assessment, give the time and the place of such hearing, all postage prepaid, and the amount of the proposed raise, and to appear at the time and place named and show cause why the assessment should not be raised.

2. All tax assessments raised by the Board of Review without such notices having been given, which shall affirmatively appear in each instance, shall be null and void as to the amount of the raise.

3. It is made the special duty of the secretary or clerk of the Board of Review to give the written notice required by Section One of this Act.

4. The provisions of this shall be liberally construed to meet the evident purposes of the same; it being the object and purpose of the same that no assessment shall be raised from that returned by the tax payer of the county without such tax payer having been duly notified of the date, the place of the hearing of the proposed raise of his or her taxes, and to appear at the time and place and show cause why the same should not be raised by the Board of Review.

5. All laws and parts of laws, in conflict with the provisions of this Act are hereby repealed. The provisions of this Act shall go into effect on its passage and approval by the Governor.

JOHN A. DARDEN,
Senator, 34th District.

**STATE OF ALABAMA
COOSA COUNTY**

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Rockford Chronicle, a newspaper published at Rockford, in said state and county, and that the attached Notice of Local Bill was published in said newspaper for four consecutive issues, dated: January 5th, 1933. January 12th, 1933. January 19th, 1933. January 26th, 1933.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 28th day of January, 1933.

HENRY A. TEEL,
Notary Public.

(Seal)

By Mr. Darden:

S. 24. To provide for a Special Election to be held in Coosa County, Alabama, at all the polling places in said county, at the first Special, Primary or General Election held in Coosa County, Alabama, if held prior to the 5th day of July, 1933, and if no such election is held by the said date of July 5th, 1933, then said Special Election provided for in this Act shall be held on the 5th day of July, 1933, to determine by the qualified electors of Coosa County, Alabama, at any date said special election is held provided for in this Act, whether or not the offices of Tax Collector and Tax Assessor of Coosa County, Alabama, shall be abolished, and the office of Tax Assessor-Collector shall be established and created in lieu of the offices of Tax Assessor and Tax Collector of Coosa County, Alabama; to provide for the appointment of the Tax Assessor-Collector of Coosa County, Alabama, if a majority of the qualified electors vote affirmatively to abolish the offices of tax assessor and tax collector of Coosa County, Alabama, and to create in lieu of said offices the office of Tax Assessor-Collector, and to provide for his subsequent election by the qualified electors of the county; to define the qualifications, term of office and fix the compensation and provide the manner of paying the same, of the Tax Assessor-Collector; to define the duties, powers and obligations of the Tax Assessor-Collector; to provide for the appointment of a Deputy Tax Assessor-Collector, fix his salary and to provide for the payment of the same; to require and fix bonds for the Tax Assessor-Collector and of the Deputy Tax Assessor-Collector; to require the Tax Assessor-Collector to collect and pay into the County Treasury or County Depository all commissions, fees, penalties, and all other charges or remunerations now collected for and paid to the Tax Assessor and Tax Collector of Coosa County, Alabama, for their respective services or remunerations as such officials, as a SPECIAL FUND, and out of such SPECIAL FUND the salaries or compensations of the Tax Assessor-Collector and Deputy Tax Assessor-Collector shall

be paid; to provide for the manner and to what purpose any excess of the Special Fund herein provided shall be applied, over and above the salaries of the Tax Assessor-Collector and his Deputy; to provide when the provisions of this Act shall go into effect if a majority of the qualified electors of Coosa County, Alabama, shall vote affirmatively in the Special Election herein provided for, and when the provisions of this Act shall go into effect if a majority of the qualified electors in said Special Election shall not vote affirmatively; to provide for the appointment by the Governor of a Tax Assessor-Collector until the next general election in the event a majority of the qualified electors in the Special Election shall vote to abolish the offices of Tax Assessor and Tax Collector of Coosa County and to create in lieu of said office the Office of Tax Assessor-Collector; to provide for the subsequent election of the Tax Assessor-Collector by the qualified electors of the County; and to provide and require that the Tax Assessor-Collector shall execute a good and solvent bond in a sum equal to the amount of both bonds now required of the Tax Assessor and Tax Collector of Coosa County, Alabama, payable and conditioned as now provided by general law; and to provide that the Tax Assessor-Collector shall discharge all duties, and be subject to all the pains and penalties, now required of the Tax Assessor and Tax Collectors of this State, now provided or that may be hereafter provided by law.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala., Dec. 27, 1932.

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County, Ala., will be introduced at the approaching Special or Extraordinary Session of the Alabama Legislature, the substance of which will be as follows:

A BILL TO BE ENTITLED AN ACT

To provide for a Special Election to be held in Coosa County, Ala., at all the polling places in said County, at the first Special, Primary or General Election held in Coosa County, Alabama, if held prior to the 5th day of July, 1933, and if no such election is held by the said date of July 5th, 1933, then said Special Election provided for in this Act shall be held on the 5th day of July, 1933, to determine by the qualified electors of Coosa County, Alabama, at any date said special election is held provided for in this Act, whether or not the offices of Tax Collector and Tax Assessor of Coosa County, Alabama, shall be abolished, and the office of Tax-Assessor-Collector shall be established and created in lieu of the Offices of Tax Assessor and Tax Collector of Coosa County, Alabama; to provide for the appointment of the Tax Assessor-Collector of Coosa County, Alabama if a majority of the qualified electors vote affirmatively to abolish the offices of tax assessor and tax collec-

tor of Coosa County, Alabama, and to create in lieu of said offices the office of Tax Assessor-Collector, and to provide for his subsequent election by the qualified electors of the county; to define the qualifications, term of office and fix the compensation and provide the manner of paying the same, of the Tax Assessor-Collector; to define the duties, powers and obligations of the Tax Assessor-Collector; to provide for the appointment of a Deputy Tax Assessor-Collector, fix his salary and to provide for the payment of the same; to require and fix bonds for the Tax Assessor-Collector and of the Deputy Tax Assessor-Collector; to require the Tax Assessor-Collector to collect and pay into the County Treasury or County Depository all commissions, fees, penalties, and all other charges or remunerations now collected for and paid to the Tax Assessor and Tax Collector of Coosa County, Alabama for their respective services or remunerations as such officials, as a SPECIAL FUND, and out of such SPECIAL FUND the salaries or compensations of the Tax Assessor-Collector and Deputy Tax Assessor-Collector shall be paid; to provide for the manner and to what purpose any excess of the Special Fund herein provided shall be applied, over and above the salaries of the Tax Assessor-Collector and his Deputy; to provide when the provisions of this Act shall go into effect if a majority of the qualified electors of Coosa County, Alabama, shall vote affirmatively in the Special Election herein provided for, and when the provisions of this Act shall go into effect if a majority of the qualified electors in said Special Election shall not vote affirmatively; to provide for the appointment by the Governor of a Tax Assessor-Collector until the next general election in the event a majority of the qualified electors in the Special Election shall vote to abolish the offices of Tax Assessor and Tax Collector of Coosa County and to create in lieu of said office the Office of Tax Assessor-Collector; to provide for the subsequent election of the Tax Assessor-Collector by the qualified electors of the county; and to provide and require that the Tax Assessor-Collector shall execute good and solvent bond in a sum equal to the amount of both bonds now required of the Tax Assessor and Tax Collector of Coosa County, Alabama, payable and conditioned as now provided by general law; and to provide that the Tax Assessor-Collector shall discharge all duties, and be subject to all the pains and penalties, now required of the Tax Assessor and Tax Collectors of this state, now provided or that may be hereafter provided by law.

Be it enacted by the Legislature of Alabama:

Section One.—A Special Election for Coosa County, Alabama, at all the polling places in said county, is hereby called, provided for and directed to be held at the next Special, Primary or General Election held in Coosa County, Alabama, if held prior to July 5th, 1933, and if none is so held prior to July 5th, 1933, then a Special Election for Coosa County, Alabama, is hereby called, provided for and directed to be held on July 5th, 1933, at all the polling places in said county, and at said special election, whenever held as provided in this Act, to determine by a majority of the qualified electors of said Coosa County, Alabama, participating in said Special Election, whether or not the offices of Tax Assessor and Tax Collector of Coosa County, Alabama, shall be abolished, and the Office of Tax Assessor-Collector shall be created and established in lieu of both of said offices of Tax Assessor and Tax Collector. If the Special Election herein provided for is held on the same day as any other special, general or primary election, the election officers conducting such other special, general or primary election, shall conduct the special election herein provided, but if not so held it is hereby required of the officers whose duty it is to appoint election officers to conduct general or special elections, to appoint lawful number of managers, clerks and returning officers to conduct the special election herein provided for and directed to be held, and such election officers thus appointed and who served shall receive the same compensation, payable out of the general funds of the county, as provided by general law. No additional compensation shall be paid election officers for conducting this special election who conduct on the same day any other

special, primary or general election in the county. The Sheriff of the County shall by proclamation for two weeks by publication in each of the county newspapers advertise the Special Election herein provided for as required by law for any special or general election. The Probate Judge of the County shall provide a sufficient number of ballots to be printed and distributed at all the voting places in Coosa County, and all other proper and necessary election literature and instructions for the proper conduct of this special election. The costs of the sheriff for publishing the proclamations and the costs of printing the ballots and other necessary literature and documents to conduct the election herein directed shall be paid by the county out of the general funds.

Section Two—The official ballot at said Special Election shall have the following printed thereon:

"OFFICIAL BALLOT, SPECIAL ELECTION....., 1933."
(Supplying day and month to be held)

"Shall the Offices of Tax Assessor and Tax Collector of Coosa County, Alabama be Abolished, and the Office of Tax Assessor-Collector be Established and Created in Lieu of the Offices of Tax Assessor and Tax Collector of Coosa County, Alabama?"

"Make a cross mark in front of your choice."

() YES;
() NO.

The returns of said Special Election shall be made to the Sheriff by the returning officers as other special elections are made, and the same canvassed and declared by the officers required by general law on the day following the special election. The returns shall be made and the canvass made and declared at the county site publicly, and the results posted.

Section Three—If at such special election, a majority of the qualified electors participating in said Special election vote affirmatively, the following provisions of this Act shall go into effect on August 1st, 1933, but should a majority not vote affirmatively in said special election, then the provisions of this Act hereafter set out, shall not go into effect until August 1st, 1935.

Section Four—The offices of Tax Assessor and Tax Collector of Coosa County, Alabama, are hereby abolished, and the Office of TAX ASSESSOR-COLLECTOR for Coosa County, Alabama, is hereby established and created. The Governor shall appoint a Tax Assessor-Collector for Coosa County, Alabama, who shall hold office until August 1st, 1935, and until his successor is elected and qualified. At the general election in 1934, a Tax Assessor-Collector shall be elected, and he shall hold office for four years from August 1st, 1935, and until his successor is elected and qualified.

Section Five—The Tax Assessor-Collector shall be a qualified elector of Coosa County, a bona fide resident of the same at the time of his appointment or election and shall continue so during his term of office, and shall personally discharge the duties of the office.

Section Six—Before entering upon the duties of his office, he shall make and file the customary oath of office, and execute and file as provided by general law a valid and solvent official bond in a sum not less than the total amounts of both bonds of the Tax Assessor and Tax Collector of Coosa County, Alabama as now required, or as may hereafter be required by general law.

Section Seven—The Tax Assessor-Collector shall appoint for not more than eight months in any one year a Deputy Tax Assessor-Collector, not related within the fourth degree by blood or marriage to the Tax Assessor-Collector, to work and discharge any duty assigned him by the Tax Assessor-Collector in connection with his office, and may require a bond of such deputy not exceeding \$3,000.00 for faithful discharge of his duties as such Deputy Assessor-Collector. The bond of the Tax Assessor-Collector shall be responsible for the acts of his deputy assessor-collector. The salary of the Deputy Assessor-Collector shall be \$75.00 per month, payable as hereafter provided.

Section Eight—The salary, compensation or remuneration of the Tax Assessor-Collector shall be Twenty-four hundred Dollars per annum, payable in equal monthly payments out of the Special Funds hereafter set out on warrant drawn by the Probate Judge on such special fund.

Section Nine—The Tax Assessor-Collector shall perform all the duties, and be subject to all the penalties, now required by law or that may hereafter be required by law, of both the tax assessor and tax collector of the several counties of this state, or by any local or special law of Coosa County, Alabama. He shall act as a member of the Board of Review in Coosa County, and he is hereby required to give written notice at least ten days before said Board meets to all persons whose assessments have been changed by the party or parties from the previous year, and any increase without such written notice having been given, shall be void.

Section Ten—The Tax Assessor-Collector of Coosa County, Alabama, shall collect all commissions, fees, penalties, and all other compensation, claims or allowances, now collected for the Tax Assessor and Tax Collector of Coosa County, Alabama, or that tax assessors and tax collectors of the several counties of this state may hereafter collect or be entitled to collect for their use, benefit and | or compensation, and shall on the first day of each month, collected the previous month, deposit in the County Treasury or County Depository to the credit of the said County of Coosa as a SPECIAL FUND all such commissions, fees, claims, allowances, penalties, and all other compensations allowed to tax assessors and tax collectors, now being collected or that may hereafter be collected or entitled to be collected by general law for tax assessors and tax collectors of the several counties of this state. Out of this special fund, and no other, shall the salary or compensation of the Tax Assessor-Collector and his deputy be paid in equal monthly installments, on warrants drawn by the Probate Judge on the first of each month for the preceding month's salary or compensation against the Special Fund herein created. The salaries herein named shall be a preferred claim against said special fund.

At the end of each fiscal year, the balance remaining in the Special Fund, after payments of the salaries of the Tax Assessor-Collector and of the Deputy Assessor-Collector, shall be applied by the Commissioners' Court, Board of Revenue, or like governing body of Coosa County, Alabama, to the indebtedness of the county, and | or the interest thereon, if any there be, and if none, then the balance of the Special Fund, shall be appropriated by the governing body of said county to the public school funds of the county.

Section Eleven—The Tax Assessor-Collector is hereby relieved of making up a book of assessments for the county, but is directed and required to use the original assessment sheets, securely binding same by precincts, in alphabetical order, for the book of assessments.

Section Twelve—The plat book required from time to time, and the additions thereto, shall be made by the Tax Assessor-Collector of Coosa County, without any additional compensation.

Section Thirteen—The courts of this State shall liberally construe the provisions of this Act to meet the evident purposes of the same, namely, to materially reduce the costs and expenses of the county and the state and the school districts in the assessment and collection of taxes in the county and to save the tax payers the salary or compensation of one of the officers as now being operated, and should any court of competent jurisdiction declare any section, provision, clause or sentence void, or unconstitutional, then the remaining parts shall remain in full force and effect.

Section Fourteen—All laws and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

Section Fifteen—The provisions of this Act, not otherwise provided in this Act, shall go into effect on its passage and approval by the Governor.

JOHN A. DARDEN,
Senator 34th District.

State of Alabama }
Coosa County }

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Rockford Chronicle, a newspaper published at Rockford, in said State and County, and that the attached Notice of Local Bill was published in said newspaper for four consecutive issues, dated: January 5th, 1933; January 12th, 1933; January 19th, 1933; January 26th, 1933.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 28 day of January, 1933.

HENRY A. TEEL,
Notary Public.

(Seal)

RECESS

At 2:10 P. M., on motion of Mr. Hildreth, the Senate took a recess until 4 o'clock this afternoon.

AFTERNOON SESSION

Tuesday, January 31st, 1933.

The Senate re-assembled at 4 o'clock P. M., Lieutenant-Governor Merrill, presiding.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Lusk:

S. 25. To better secure the administration of the financial affairs of the public schools and educational institutions of the state, to define the meaning of "Educational Trust Funds", as used in this act and to include therein revenue derived from 16th Section Lands, interest on school indemnity lands, interest on valueless 16th section lands, interest on surplus revenue, interest of James Wallace fund, all revenue derived from funds mentioned and enu-

merated in Sections 257, 258, 259 and 260 of the Constitution of 1901, all revenue collected under the provisions of Sections 2, 2A to 2J, both inclusive, of the general revenue bill of 1927, and any amendments, all revenue collected under an act approved July 7, 1931, all revenue collected under act approved Oct. 2nd, 1932, acts extraordinary session 1932, No. 113, all revenue collected under act approved Oct. 22nd, 1932, acts extraordinary session 1932, No. 112, any revenue, income or funds from any other source set apart to be used solely for educational purposes; to define fiscal year within the meaning of this act; to define general fund within the meaning of this act; to provide that all warrants heretofore drawn on educational appropriations not paid in fiscal year in which drawn from Educational Trust Funds shall be chargeable thereafter to the general fund and that no part of any educational trust funds collected or received in any fiscal year thereafter shall be used to pay such warrants, except as otherwise herein provided; to provide that no warrant shall be paid from educational trust funds except warrants for appropriations for the fiscal year in which such trust funds are collected and received until all additional appropriations for that year have been paid in full; to provide for payment of unexpended trust funds after payment of all current educational appropriations for any fiscal year upon appropriations for preceding years remaining unpaid; to provide that all educational trust funds on hand and hereafter collected shall be kept in a separate account and kept in separate depositories and no payments made therefrom until all educational appropriations for the fiscal year in which such trust funds are collected have been paid in full; to provide that all Educational Trust Funds as herein defined shall be used primarily as a minimum fund for the payment of educational appropriations for the fiscal year in which collected; to provide that no educational institutions, boards of trustees, school board, state superintendent of Education, or State Board of Education shall use or pledge any educational trust funds, except for current educational purposes for the fiscal year in which said funds are received, until all current educational purposes have been fully paid for and shall have no authority to pledge, hypothecate or anticipate the use of such funds for any year except that in which they are received and collected; to provide that when as much as \$100,000.00 of Educational Trust Funds shall have accumulated, the amount thereof shall be certified to the state superintendent of education and warrants issued therefor to be apportioned as provided by law; to provide when this act shall go into effect and to provide for the repeal of any law in conflict therewith; and to provide that if any section or provision of this act shall be declared unconstitutional, it shall not affect the remaining sections or provisions.

Committee on Education.

By Mr. Darden:

S. 26. To provide for and to call a Special Election for Coosa County, Alabama, to be held at all the voting places in said county, at the next Special, Primary or General Election held in Coosa County, Ala., if one should be held before July 5th, 1933, and if not before then the Special Election herein provided for shall be held on Wednesday, July 5th, 1933, to determine by the electors of said County, whether or not the Commissioners' Court of Coosa County, Alabama, shall be abolished and a County Board of Revenue created and established in lieu of the Commissioner's Court; to define the number of members on the Board of Revenue, if approved; to define their qualifications, fix their compensation; and prescribe their duties, powers and obligations; to provide for the appointment and/or election of the members of the Board of Revenue and their term of office; to make the Board of Revenue a court of record when acting in judicial capacity, and to require minutes be kept and subject to public inspection and to prohibit closed or secret sessions of the Board of Revenue; to require the Board of Revenue to buy all county supplies, in excess of fifty dollars, including books, stationery, records, road machinery, gasoline, motor oil parts for tractors or machinery, of the county, from the lowest responsible competitive bidder; to prohibit and punish any member of the Board of Revenue for employing or voting for any one related to any member of the Board of Revenue within the fourth degree by blood or marriage, to do any work for the county or to act as agent of any member of the Board of Revenue to do or to perform any act for such members; to provide that the Board of Revenue of Coosa County may appoint or elect a qualified and suitable man as County Road Superintendent who shall have control of the working and maintaining of the county public roads and bridges, to fix his salary or compensation which shall not be more than One Hundred Dollars per month with actual expenses added not to exceed Twenty-five Dollars per month; if the Board of Revenue fails or refuses to elect or appoint such Road Superintendent of County Roads for thirty days after this Act goes into effect, the Governor is empowered and directed to make the appointment and fix his compensation; and the Board of Revenue may at any time remove such Road Superintendent on ten days' notice, with or without cause, if the financial condition of the county require such removal, and the Board of Revenue or the Governor may fill such vacancy any time the Board of Revenue of Coosa County or the Governor may deem expedient and for the best interests of the county; to provide that members of the Board of Revenue shall not receive for any one month for all services rendered and mileage traveled more than Thirty-five dollars; to provide that members of the Board of Revenue and the Board of Revenue shall observe all local and

general laws not in conflict with the provisions of this Act; to provide that if a majority of the electors of Coosa County, Alabama shall vote in favor of abolishing the Court of County Commissioners and establishing in lieu thereof a Board of Revenue for the County, then all the provisions of this Act shall go into effect on Jan. 1st, 1933, but if not so approved, this Act with all its provisions shall go into effect on First Monday after the Second Tuesday, in January, 1935.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala., Dec. 26, 1932.

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the approaching Special or Extraordinary Session of the Alabama Legislature, the substance of which local bill will be as follows:

A BILL TO BE ENTITLED AN ACT

To provide for and to call a Special Election for Coosa County, Alabama, to be held at all the voting places in said county, at the next Special, Primary or General Election held in Coosa County, Ala., if one should be held before July 5th, 1933, and if not before then the Special Election herein provided for shall be held on Wednesday, July 5th, 1933, to determine by the electors of said County, whether or not the Commissioners' Court of Coosa County, Alabama shall be abolished and a County Board of Revenue created and established in lieu of the Commissioner's Court; to define the number of members on the Board of Revenue, if approved; to define their qualifications, fix their compensation; and prescribe their duties, powers and obligations; to provide for the appointment and | or election of the members of Board of Revenue and their term of office; to make the Board of Revenue a court of record when acting in judicial capacity, and to require minutes be kept and subject to public inspection and to prohibit closed or secret sessions of the Board of Revenue; to require the Board of Revenue to buy all county supplies, in excess of fifty dollars, including books, stationery, records, road machinery, gasoline, motor oil parts for tractors or machinery of the county, from the lowest responsible competitive bidder; to prohibit and punish any member of the Board of Revenue for employing or voting for any one related to any member of the Board of Revenue within the fourth degree by blood or marriage, to do any work for the county, or to act as agent of any member of the Board of Revenue to do or to perform any act for such members; to provide that the Board of Revenue of Coosa County may appoint or elect a qualified and suitable man as County Road Superintendent who shall have control of the working and maintenance of the county public roads and bridges, to fix his salary or compensation which shall not be more than One Hundred Dollars per month with actual expenses added not to exceed Twenty-five Dollars per month; if the Board of Revenue fails or refuses to elect or appoint such Road Superintendent of County Roads for thirty days after this Act goes into effect, the Governor is empowered and directed to make the appointment and fix his compensation; and the Board of Revenue may

at any time remove such Road Superintendent on ten days' notice, with or without cause, if the financial condition of the county require such removal, and the Board of Revenue or the Governor may fill such vacancy any time the Board of Revenue of Coosa County or the Governor may deem expedient and for the best interests of the county; to provide that members of the Board of Revenue shall not receive for any one month for all services rendered and mileage traveled more than Thirty-five dollars; to provide that members of the Board of Revenue and the Board of Revenue shall observe all local and general laws not in conflict with the provisions of this Act; to provide that if a majority of the electors of Coosa County, Alabama shall vote in favor of abolishing the Court of County Commissioners and establishing in lieu thereof a Board of Revenue for the County, then all the provisions of this Act shall go into effect on January 1st, 1933, but if not so approved, this Act with all its provisions shall go into effect on First Monday after the Second Tuesday, in January, 1935.

Be It Enacted By The Legislature Of Alabama:

Section One—A Special Election is hereby called, provided for and directed in Coosa County, Alabama, at all the voting places in said county, at the time of the first Special, Primary or General Election is held in Coosa County, Alabama, if same is held prior to Wednesday, July 5th, 1933, and if such Special Primary or General Election is not held prior to said date of July 5th, 1933, then the Special Election herein provided for shall be held, at all the polling places in Coosa County, Ala., on Wednesday, July 5th, 1933, to determine by the qualified electors of Coosa County, Alabama, whether or not the Commissioners' Court of Coosa County, Alabama, shall be abolished, and a Board of Revenue for Coosa County, Alabama, consisting of four members, shall be established and created. The expenses of the Special Election herein provided for shall be paid out of the general funds of the county, unless said election is held at some other Special, Primary or General Election, in which event, the expenses of the election shall be borne by the State, and the same election officers of such special, primary or general election shall act as the election officers for the special election herein provided for and called, provided, the county shall pay for the printing of ballots and other literature and other election supplies for this special election and also the county shall pay for the proclamation by the Sheriff of the Special Election herein provided for.

Section Two—It is hereby directed, and required that the Probate Judge of Coosa County, shall provide a sufficient number of ballots and other election supplies, as required by general law for special or general elections to carry out the provisions of this act in regard to said special election; and the Sheriff of Coosa County is hereby directed and required to publish in each of the newspapers published in and for Coosa County, Alabama, a notice of the special election herein provided for at least two weeks prior to said special election.

Section Three—The official ballot shall have the following matter printed on it:

**"OFFICIAL BALLOT, SPECIAL
ELECTION, 1933.**

"Shall the Commissioners' Court of Coosa County, Alabama, be Abolished and a Board of Revenue for Coosa County, Alabama, be created and established in lieu thereof?"

"Make a Cross (X) Mark in front of your Choice"

() "YES"
() "NO"

The Probate Judge, Sheriff and Circuit Clerk shall appoint the required number of election managers, clerks and returning officers to conduct said

election and said election officers shall be paid the same amount and in the same manner as other election officers are paid for their services. The returns of said special election shall be made to the Sheriff of said County and the returns thereof canvassed and declared on Friday following said special election, at the county site, and published as required by law for a general election. If the special election herein provided for is held on the same date as any other special, primary or general election, then the election officers in such election shall hold and conduct this special election without additional pay.

Section Four—If at such Special election, a majority of the qualified electors of said County of Coosa, State of Alabama, shall vote affirmatively, the following provisions of this act shall go into effect in thirty days after the date of the special election herein provided, but should it not be approved by a majority of the qualified electors at such election, then the following provisions of this Act shall not go into effect until First Monday after the Second Tuesday in January, 1935.

Section Five—The Commissioners' Court of Coosa County is hereby abolished, a Board of Revenue, consisting of four members, is hereby created and established; a member of said board shall be appointed or elected from each of the commissioners' districts of said county as now constituted. Each member shall be during his term of office a bona fide elector and citizen of his district, at least twenty-five years of age.

Section Six—The Governor shall appoint the members of the Board of Revenue for said county to serve thereon until the First Monday after the Second Tuesday, in January, 1935, and until their successors are elected and qualified, should a majority of the qualified electors vote affirmatively in said special election provided for in this Act. At the General Election in 1934 the members of the Board of Revenue shall all be elected and thereafter hold for four years and until their successors are duly elected and qualified.

Section Seven—Members of the Board of Revenue of and for Coosa County, Alabama, shall receive not in excess of Thirty-five Dollars per month for all services rendered and expenses incurred by them for the county, payable out of the general funds of the county, on warrant drawn by the Probate Judge of the county on the county treasury or depository after such claims are duly proven and allowed. The salary or compensation herein provided for and allowed is based on three dollars per day for each day's services for the county and five cents per mile travelled in attending court, inspecting public buildings, bridges, and working or directing work on the public roads and bridges of their respective districts. Each claim for compensation or salary shall be duly itemized and verified before said is allowed or paid.

Section Eight—All the duties, powers, obligations and responsibilities now being exercised by the Commissioners' Court of Coosa County by general or local laws, not in conflict with the special provisions of this Act, are hereby conferred upon the Board of Revenue of Coosa County, Alabama.

Section Nine—The Board of Revenue of Coosa County, Alabama, when acting in a judicial capacity is hereby made a court of record; all proceedings of said board shall be reduced to writing, and the records thereof subject to inspection at all reasonable business hours. All closed sessions of the Board of Revenue are hereby prohibited, and the public shall have the right at all times to hear the deliberations and actions of the Board, and said Board shall not exclude the public from such deliberations, hearings or actions of the Board.

Section Ten—The Board of Revenue shall buy all supplies for the County, including books, records, stationery, road machinery and parts thereof, all motor fuels and lubrications, tractors, motors, tolls, from the lowest responsible bidder, in all sums in excess of fifty dollars, and said Board of Revenue shall advertise for bids on all the county's requirements in at

least one daily paper and all the county papers for at least ten days prior to date the contracts will be let or approved.

Section Eleven—No member of the Board of Revenue shall vote or approve the election or appointment of any relative of any member of the Board of Revenue, within the fourth degree by blood or marriage, to do any work in which the county is interested, or to act as the agent of the Board of Revenue to do or perform any act for any member or for the Board of Revenue, or to contract for any supplies or labor for the county with or from any such person so related to any such member or member of the Board of Revenue.

Section Twelve—The Board of Revenue of Coosa County, Alabama, is hereby invested with the power, and it shall be their duty to do so, to employ a suitable person, experienced in road construction and maintenance as County Road and Bridge Superintendent, to fix his salary at not more than Twelve Hundred Dollars per annum and actual expenses while in the discharge of his duties while away from his home, payable out of the special gasoline funds of the county. Such Superintendent may be discharged at any time for or without cause, when the public good requires it. If the Board of Revenue shall refuse, fail or neglect for thirty days after the approval of this Act goes into effect to appoint or elect such superintendent, the Governor is vested with the power to appoint such superintendent.

Section Thirteen—The Road and Bridge Superintendent, herein provided for shall direct and supervise all the road and bridge work for the county; shall have power to hire and discharge employees on the county roads and bridges, to fix their compensation as directed by the Board of Revenue, and to direct the delivery of motor fuels and lubrications and other necessities for road construction and maintenance.

Section Fourteen—Any vacancy in the office or position of Road and Bridge Superintendent shall be filled by the Board of Revenue, or if the said Board refuses or fails to fill the vacancy, the public good being served by doing so, then the governor shall fill the vacancy. It being the purpose of one of the provisions of this Act to give special consideration to construction and maintenance of the county roads to the best advantage, and to the end to secure effective supervision of the county roads and bridges in an economical and constructive manner, the services of a Bridge and Road Superintendent are desired and necessary.

Section Fifteen—The Board of Revenue is hereby required to carry out the provision of local law requiring minutes of their meeting be published as now required of the Commissioners' Court.

Section Sixteen—The provisions of this Act, and the Act as a whole shall, be liberally construed to meet the evident purposes of the same, and if any court of competent jurisdiction should declare any clause, sentence, section or provision unconstitutional, void or unenforceable, then the remaining parts unaffected, shall be and remain in full force and effect.

Section Seventeen—If a majority of the qualified electors shall vote in the special election provided for in section one of this act to abolish the Commissioners Court and establish in lieu thereof a Board of Revenue for Coosa County, Alabama, then all the provisions of this Act shall go into effect in thirty days after the date of the special election herein provided for, otherwise same shall go into effect on the First Monday after the Second Tuesday, in January, 1935. In either event the Commissioners' Court is hereby directed to deliver all records, books, documents, communications, contracts, office supplies and offices to the Board of Revenue created by this Act.

Section Seventeen—That all laws, local or general, in conflict with the provisions of this Act, are hereby repealed.

JOHN A. DARDEN,
Senator 34th District.

State of Alabama }
Coosa County }

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Rockford Chronicle, a newspaper published at Rockford, in said State and County, and that the attached Notice of Local Bill was published in said newspaper for four consecutive issues, dated: December 29th, 1932; January 5th, 1933; January 12th, 1933; January 19th, 1933.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 28 day of January, 1933.

HENRY A. TEEL,
Notary Public.

(Seal)

By Mr. Garrett:

S. 27. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special, or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith; and to repeal sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683 and 684, of the Code of Alabama of 1923, and all other laws or parts of laws inconsistent with the terms of this Act.

Committee on Privileges and Elections.

By Mr. Warren:

S. 28. To amend Section 37 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools", approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 29. To provide for the transfer of the Bureau of Insurance of the State of Alabama together with certain of the personnel thereof to the Banking Department of the State of Alabama; to provide for the operation of the Bureau of Insurance of the State of Alabama by the State Superintendent of Banks; to abolish the office of Superintendent of Insurance of the State of Alabama; to transfer all the powers, duties and jurisdiction of the State Superintendent of Insurance of the State of Alabama to the State Superintendent of Banks of the State of Alabama; to repeal all appropriations heretofore made to the insurance department for salaries and expenses and to make an appropriation to the State Banking Department for salaries and expenses.

Committee on Banking and Insurance.

By Mr. Warren:

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the

Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 31. To amend Section 30 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt, and for the public schools," approved Nov. 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 32. To amend Section 27 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 33. To amend Section 26 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 34. To amend Section 24 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 35. To amend Section 23 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 36. To amend Section 22 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 37. To amend Section 15 of that certain act entitled "An act to make appropriations for the ordinary expenses of the Executive, legislative, and judicial departments of the State, for the interest on the public debt and for the public schools" approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 38. To amend Section 7 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools" approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 39. To amend Section 8 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for the public schools", approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 40. To amend Section 10 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Warren:

S. 41. To amend Section 11 of that certain act entitled "An act to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Deiony:

S. 42. To prescribe the time allowed for redemption of real estate sold for taxes due for either of the years 1930, 1931 or 1932.

Committee on Finance and Taxation.

By Mr. Delony:

S. 43. To amend Act No. 231 (H. 282) approved November 9, 1932, entitled "An Act to amend an Act entitled an Act relating to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney buses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama."

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 44. To further regulate the procedure in suits at law now pending or hereafter brought wherein recovery is sought on an indebtedness secured by mortgage.

Committee on Judiciary.

By Mr. Goodwin:

S. 45. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Committee on Judiciary.

By Mr. Goodwin:

S. 46. To further regulate the procedure in equity proceedings now pending or hereafter brought wherein the foreclosure of a mortgage is sought.

Committee on Judiciary.

By Mr. Bonner:

S. 47. To repeal an act approved February 20, 1931, entitled "An act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 48. To submit to the qualified voters of the State of Alabama at an election to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, for their consideration an amendment to the Constitution of the State reducing the salaries and compensations and allowances to be paid to all officers and employees of the State or any department thereof and all institutions receiving appropriations out of the State Treasury and all officers and employees of the several counties of the State whether paid on a salary basis or whether paid fees and commissions or other method of compensation and to provide that the Legislature of Alabama may hereafter from time to time by local or general laws fix and regulate and alter the amount of salaries and allowances received by said officers and employees including the method and basis of their compensation.

Committee on Finance and Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Teasley:

S. 49. To propose an amendment to Section 213 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to

be held on the Second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Committee on Constitution, Constitutional Revisions and Amendments.

This bill was read a first time at length as required by the Constitution.

By Mr. Teasley:

S. 50. To fix the compensation or salaries and allowances to be paid to sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 110,000 people according to the last Federal Census or any such Census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis, and to regulate the payment of same, and to regulate the office of said sheriff, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction, to provide and furnish the said sheriffs with necessary quarters, books and stationery, and to provide for the payment of same.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 51. To impose all the duties of the Bureau of Insurance and the duties of the Superintendent of Insurance under existing law upon the Superintendent of Banks of this state; and to invest in the Superintendent of Banks all the authority, rights and privileges and immunities of the Bureau of Insurance and the Superintendent of Insurance; to provide that on and after the effective date of this act the Bureau of Insurance be composed of the Superintendent of Banks of this State; and to provide that the Bureau of Insurance shall have its office in the office of the Superintendent of Banks of this State; and to abolish the office of Superintendent of Insurance.

Committee on Banking and Insurance.

By Mr. Teasley:

S. 52. To impose all the duties of the State Commission of Forestry upon the conservation commissioner; and to invest in the conservation commissioner all the authority, rights, privileges and immunities of the State Commission of Forestry; to provide that on and after the effective date of this act the State Commission of Forestry shall be composed of the Commissioner of Conservation of this State; and to provide that the State Commission of Forestry shall have its office in the office of the Commissioner of Conservation.

Committee on Fish, Game and Forestry.

By Mr. Teasley:

S. 53. To amend Sections 10144 and 10145 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Teasley:

S. 54. To amend Section 8563 of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 55. To amend Section 9008 of the Code.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Resolution and ordered same sent forthwith to the Senate:

By Mr. Pitts:

H. R. 1. Be it resolved by the House, That the Clerk of the House notify the Senate that the House has perfected its permanent organization and is now ready for the transaction of business.

J. H. Stewart,
Clerk.

RESOLUTIONS

Mr. Mullins offered the following Senate resolution:

S. R. 9. Resolved, That the Rules of the Senate be amended by adding to the membership of the Committee on Temperance the names of Senators Teasley, McDaniel, McDowell and Edmundson.

Which was read and referred to the Standing Committee on Rules.

Mr. Garrett offered the following Senate resolution:

S. R. 10. Be it resolved by the Senate, That the Senate do now adjourn into the committee of the whole for the purpose of organizing the Senate and determining the number of clerks, pages, etc. and their compensation.

Which was read and referred to the Standing Committee on Rules.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing Report of the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the First Legislative Day, approved.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. Riddle, the Senate adjourned until tomorrow, February 1st, 1933, at 12 o'clock M.

SECOND DAY

Wednesday, February 1st, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. H. M. Andrews, of the Dexter Avenue Methodist Church of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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JOURNAL

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 56. To propose an amendment to the Constitution of the State of Alabama to be known as "Article XXVI", amending Section 256 of the Constitution of Alabama, fixing the time for holding an election for the purpose of submitting said amendment to the

qualified electors of the State of Alabama for their ratification, and fixing the method of holding said election.

Committee on Constitution, Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution of Alabama.

By Mr. Walker:

S. 57. To provide that preference shall be given to supplies, commodities, materials and provisions produced and manufactured and grown in the State of Alabama, in the purchase of supplies, commodities, materials and provisions by all state institutions, counties, municipalities and school districts, where such supplies, commodities, materials and provisions are of approximately equal quality with those that are produced or manufactured outside of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Lusk:

S. 58. To amend Section 2385 of the Code of Alabama.

Committee on Judiciary.

By Mr. Edmundson:

S. 59. To prohibit any county officer or employee, except an employee especially designated by the governing authorities of the county to represent its interest before the Legislature, from engaging in lobbying before the Legislature of Alabama, and to provide penalties for the violation of this act.

Committee on Judiciary.

By Mr. Duncan:

S. 60. To regulate the sales of real estate and personal property assessed for state and/or county taxation for the year 1932 and the following years where the person assessing the property assessed both real estate and personal property for taxation when said taxes become due and are not paid.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 61. To amend Section 6088 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Goodwin:

S. 62. To amend Section 8777 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Lapsley:

S. 63. To authorize and provide for the payment of the sum of \$1,500.00 for the relief of Mrs. Willie W. Edge of Blacksburg, Virginia, who sustained personal injuries while riding in an automobile on May 16, 1931, as a result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 64. To authorize and provide for the payment of the sum of \$500.00 for the relief of Harvey A. Edge of Blacksburg, Virginia, whose automobile was damaged on May 16, 1931, as result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama; and who paid out for the treatment and care of his wife, who was injured as a result of said collision between said trailer and the car in which he and his wife were riding, a large sum of money to doctors, hospitals, nurses and for drugs, board and other expenses.
Committee on Finance and Taxation.

By Mr. Craft:

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make such rules and regulations for the preservation, improvements and maintenance of forests within their respective counties, as may be necessary to comply with the terms of the Act of the Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purpose of re-forestation and the preservation of forests.

Committee on Fish, Game & Forestry.

By Mr. Craft:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

Committee on Fish, Game & Forestry.

By Mr. Darden:

S. 67. To provide for, direct and call a special election at all the polling or voting places in Coosa County, Alabama, on Wednesday, July 5th, 1933, or if any special, primary or general election is held in Coosa County, Alabama, prior to said July 5th, 1933, then the special election herein provided for shall be conducted and held on the date of such special, primary or general election, and at either date of said special election herein provided for, to determine by the qualified electors of Coosa County, Alabama, whether or not the County Board of Education of Coosa County, Alabama, shall be abolished, and a county school board, with five members, shall be created and established in lieu of the County Board of Education; and to provide for the appointment of members of the county school board for Coosa County, Alabama, by the Governor until the next General Election, and thereafter to be elected by the qualified electors of the county and to hold office for a term of four years from the second Tuesday after first Monday in January, after their election; to define the qualifications, duties and powers of members of the County School Board; to fix the compensation of members of the county school board and provide the manner of paying the same; to prohibit secret or closed sessions of the Public School Board; to provide for the organization of the Public School Board and to require minutes of each meeting be

written within five days after each session and to provide for public inspection of the same; to provide that the provisions of this Act, if ratified by the electors in the Special Election provided for in this Act, shall go into effect ten days after said Special Election, and if not ratified by the qualified electors of the County in the Special Election, then all the provisions of this Act, except the Special Election Provision, shall go into effect and be operative on the second Tuesday after the first Monday in January, 1935, and members of the County School Board shall be elected at the general election in 1934 as other county officers are or may be elected; and to require the County School Board of Coosa County, Alabama, to comply with all local and general laws, not in conflict with the provisions of this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala.,
Dec. 26th, 1932.

To whom it may concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced in the Legislature of Alabama at the approaching special or extraordinary session thereof, the substance of which local bill will be as follows:

A BILL To Be Entitled AN ACT

To provide for, direct and call a special election at all the polling or voting places in Coosa County, Alabama, on Wednesday, July 5th, 1933, or if any special, primary or general election is held in Coosa County, Alabama, prior to said July 5th, 1933, then the special election herein provided for shall be conducted and held on the date of such special, primary or general election, and at either date of said special election herein provided for, to determine by the qualified electors of Coosa County, Alabama, whether or not the County Board of Education of Coosa County, Alabama, shall be abolished, and a County School Board, with five members, shall be created and established in lieu of the County Board of Education; and to provide for the appointment of members of the County School Board for Coosa County, Alabama, by the governor until the next general election, and thereafter to be elected by the qualified electors of the county and to hold office for a term of four years from the second Tuesday after first Monday in January, after their election; to define the qualifications, duties and powers of members of the County School Board; to fix the compensation of members of the County School Board and provide the manner of paying the same; to prohibit secret or closed sessions of the Public School Board; to provide for the organization of the Public School Board and to require minutes of each meeting be written within five days after each session and to provide for public inspection of the same; to provide that the provisions of this Act, if ratified by the electors in the special election provided for in this Act, shall go into effect ten days after said special election, and if not ratified by the qualified

electors of the county in the special election, then all the provisions of this Act, except the special election provision, shall go into effect and be operative on the second Tuesday after the first Monday in January, 1935, and all members of the County School Board shall be elected at the general election in 1934 as other county officers are or may be elected; and to require the County School Board of Coosa County, Alabama, to comply with all local and general laws, not in conflict with the provisions of this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

SECTION ONE: A special election is hereby called, provided for and directed to be held in Coosa County, Alabama, at all polling places, on Wednesday, July 5th, 1933, unless a special, general or primary election is held prior to said July 5th, 1933, and if such special, general or primary election is so held, then the special election herein provided for shall be held on such date of such special, general or primary election held in Coosa County, Alabama, in either event to determine, by the qualified electors of Coosa County, Alabama, whether or not the County Board of Education of Coosa County, Alabama, shall be abolished, and in lieu thereof a County School Board, consisting of five members, shall be created and established. If the special election herein provided for is held on same date as any other special, general or primary election is held, then the officers in such other election shall conduct the special election provided without additional costs, but if not so held then the officers whose duty it is to appoint election officers, shall appoint the necessary number of managers, clerks and returning officers, as required by general law to conduct said special election, and such officers shall be paid for conducting said election the same amount as provided by general law and be paid out of the general funds of the county.

SECTION TWO: The probate judge is hereby directed and required to provide a sufficient number of ballots and other election supplies as required by general law for special or general elections to carry out the provisions of this act in regard to said special election; and the Sheriff of Coosa County is hereby directed and required to discharge all the duties required of him in general or special elections, and he is specifically required to publish notices in all the county newspapers of Coosa County, the date, places, and purpose of said special election for at least two weeks prior to said special election. The expenses of said election shall be paid out of general funds of said county, unless as otherwise provided in this Act.

SECTION THREE: The official ballot shall have the following matter printed on it:

"OFFICIAL BALLOT, Special Election, _____, 1933.

"Shall the County Board of Education of Coosa County, Alabama, be abolished, and a County School Board with five members be created and established in lieu of the County Board of Education of Coosa County?

"Make a cross mark in front of your choice.

"() Yes

"() No

The returns of said election shall be made to sheriff of said county and the returns thereof canvassed and declared on Friday, following said special election, at the county seat and published as required by law for the general election. The same officials shall canvass and declare the results as required by the general laws.

SECTION FOUR: If at such special election a majority of the qualified electors of said County of Coosa, State of Alabama, shall vote affirmatively, the following provisions of this act shall go into effect within ten days after the date of the special election herein provided for, but should it not be approved by the majority of the qualified electors at such election,

then the following provisions of this Act shall not go into effect until the first Monday after the second Tuesday in January, 1935.

SECTION FIVE: The County Board of Education of Coosa County, Alabama, is hereby abolished, and a County School Board consisting of five members is hereby created and established in lieu thereof.

SECTION SIX: If a majority of the qualified electors voting in said special election shall vote affirmatively, the governor shall appoint five members, qualified electors of Coosa County, to serve on the County School Board of Coosa County, until the first Monday after the second Tuesday in January, 1935, and until their successors are elected and qualified. At the general election in 1934 all members of the County School Board shall be elected and shall hold office for the term of four years from and after the first Monday after second Tuesday in January, 1935, and until their successors are elected and qualified. A member of said School Board shall be appointed or elected from each educational district in the county.

Members of the County School Board shall be qualified electors and bona fide citizens of their respective districts and shall so remain so during their terms of office and removal from their respective districts shall vacate their office. Members shall be recognized in their respective communities as being interested in public education.

SECTION SEVEN: The County School Board is hereby vested with the same powers and duties as now conferred by general law on the County Board of Education of the several counties of the state unless otherwise provided for in this Act.

The County School Board shall receive for their compensation only \$5.00 per day while serving on said Board and shall not be paid for more than twelve days in any one calendar year.

The compensation of members of the Public School Board shall be paid in the same manner and out of the same funds as members of the County Board of Education are now being paid in Coosa County, except as to the amount being paid.

SECTION EIGHT: The County School Board is hereby prohibited from holding closed sessions of the Board and at all meetings, the public shall have the right to hear the deliberations and actions of the Board. Any member of the Board, or any person interested in the matter being considered by the Board, may require a Yea and Nay vote and have same entered upon the minutes of the meeting.

SECTION NINE: The County School Board at its first meeting or as soon there after as convenient, elect one of its members Chairman, another Vice-Chairman of the Board. The County Superintendent of Education shall be Secretary of the Board, and shall commit to writing within five days after each meeting of the board an accurate and correct minutes, which shall be open to inspection to the public at any business hours of the day.

The County School Board shall observe and faithfully carry out all local laws of the county governing the County Board of Education of Coosa County as now constituted.

SECTION TEN: The provisions of this Act shall be liberally construed by the courts to meet the manifest purposes of the same, and should any court of competent jurisdiction declare any clause, section or provision of this act void or unconstitutional, then the remaining unaffected parts shall remain in full force and effect.

SECTION ELEVEN: The provisions of this Act as to the calling and holding and declaring the results of the special election herein provided for shall go into effect on its passage and approval by the governor; and the remaining parts of this Act shall go into effect as provided in Section Four of this Act.

SECTION TWELVE: All laws and parts of laws, local or general, in conflict with the provisions of this Act, are hereby repealed.

JOHN A. DARDEN,
Senator, 34th District.

State of Alabama }
Tallapoosa County }

Before me, C. W. Lovelace, a Notary Public, in said state and for said county, personally appeared Thos. S. Bugg, publisher of the Goodwater Enterprise, a weekly newspaper with a general circulation in Coosa County, Alabama, who deposes and says upon oath that the attached notice of local bill was published for four consecutive weeks in said paper, to-wit: On Jan. 5, 1933; Jan. 12, 1933; Jan. 19, 1933; Jan. 26, 1933.

THOS. S. BUGG,
Publisher.

Sworn to and subscribed before me, this 30th day of Jan., 1933.

C. W. LOVELACE,
Notary Public.

(Seal)

By Mr. Darden:

S. 68. To relieve all citizens of Coosa County, Alabama, who are subject to work the public roads of the county, and/or of paying in lieu thereof a road tax from all legal liability for either, and to relieve all citizens of any of the municipalities of Coosa County, Alabama, who are subject to work on the streets thereof and/or to pay a street tax in lieu of such service, from any and all liability to work on the streets of said municipalities and from any and all liability of paying a street tax in lieu of such service to the said municipalities in Coosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala.,
Dec. 26th, 1932.

To whom it may concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the coming special or extraordinary session of the Legislature, the substance of which local bill will be as follows:

A BILL To Be Entitled AN ACT

To relieve all citizens of Coosa County, Alabama, who are subject to work the public roads of the county, and or of paying in lieu thereof a road tax from all legal liability for either, and to relieve all citizens of any of the municipalities of Coosa County, Alabama, who are subject to work on the streets thereof and or to pay a street tax in lieu of such service, from any and all liability to work on the streets of said municipalities and from any and all liability of paying a street tax in lieu of such service to the said municipalities in Coosa County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section One—All citizens of Coosa County, Alabama, who are now or may hereafter be, subject to work on the public roads of Coosa County, or to pay in lieu of such service a road tax, are hereby expressly relieved of all legal liability to work on the public roads of Coosa County, and or to pay a road tax to said county in lieu of such road service.

Section Two—All citizens of every municipality of Coosa County, Alabama, who are now subject or may hereafter be subject to work on the streets of any municipality of said county, and or to pay in lieu of such service a street tax to any municipality in Coosa County, Alabama, are hereby relieved of all legal responsibility or duty to work on said streets or to pay in lieu thereof a street tax to such municipality.

Section Three—The provisions of this act shall go into effect on its passage and approval by the governor.

JOHN A. DARDEN,
Senator, 34th District.

State of Alabama }
Tallapoosa County }

Before me, C. W. Lovelace, a Notary Public, in said state and for said county, personally appeared Thos. S. Bugg, Publisher of The Goodwater Enterprise, a weekly newspaper with a general circulation in Coosa County, who deposes and says upon oath that the attached notice of local bill was published for four consecutive weeks in said paper, to-wit, on Jan. 5, 1933; Jan. 12, 1933; Jan. 19, 1933; and on Jan. 26, 1933.

THOS. S. BUGG,
Publisher.

Sworn to and subscribed before me, this the 30th day of January, 1933.

C. W. LOVELACE,
Notary Public.

(Seal)

By Mr. Darden:

S. 69. To further regulate and define the duties, obligations and responsibilities of the Commissioners' Court of Coosa County, and the Members of said Court, or other like or similar governing body of Coosa County, Alabama, and members thereof; to prohibit, and make unlawful, the Commissioners' Court, and all members thereof or other or similar governing body of Coosa County, and the members thereof, from knowingly employing, directly or indirectly, any person, related within the fourth degree, by blood or marriage, to any member of the Commissioners' Court, or member of any like or similar governing body of said county, to do or perform any act or work in which Coosa County is, directly or indirectly, interested, or knowingly employ any person so related to act as the agent of the Commissioners' Court or of any member of said court or of any other governing body, or any member thereof, of said county to do any act or work for the county or in which the county is directly or indirectly, interested; to provide and require the Commissioners' Court, and the members thereof, or any other governing body and the members thereof, to purchase all county supplies or requirements, including books, stationery, forms, road machinery, parts therefor, gasoline and other liquid motor fuels, motor oils and greases, in sums or amounts in

excess of fifty dollars, from the lowest responsible and competitive bidder, after same has been advertised for ten days by publication one insertion in some daily newspaper published in the State and by publication in each county newspaper for one time, and requiring all bids to be sealed and to be publicly opened, read and let; to fix the compensation of members of the commissioners' court and fix the manner in which same shall be paid; to direct and empower the commissioners' court of said county to employ a suitable person as Superintendent of Public Roads and Bridges of the county, to fix his salary and provide the manner of paying same, and to provide the Governor shall appoint said Superintendent of Public Roads and Bridges if the Commissioners' Court, or other governing body of the county, refuses, neglects or fails to appoint one within thirty days after the passage and approval of this Act and to fix the salary of said Superintendent; to define the powers and duties of said Superintendent of Public Roads and Bridges, and to provide for his discharge for cause or for lack of sufficient funds to pay for his services; to provide penalties for the violation of the provisions of this Act; and to repeal all laws and parts of laws, local or general, in conflict with the provisions of this Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala.,
Dec. 26th, 1932.

To whom it may concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the approaching special or extraordinary session of the Alabama Legislature, the substance of which local bill will be as follows:

A BILL To Be Entitled AN ACT

To further regulate and define the duties, obligations and responsibilities of the Commissioners Court of Coosa County, and the members of said court, or other like or similar governing body of Coosa County, Alabama, and members thereof; to prohibit, and make unlawful, the Commissioners Court, and all members thereof or other or similar governing body of Coosa County, and the members thereof, from knowingly employing, directly or indirectly, any person, related within the fourth degree, by blood or marriage, to any member of the Commissioners Court, or member of any like or similar governing body of said county, to do or perform any act or work in which Coosa County, is directly or indirectly, interested, or knowingly employ any person so related to act as the agent of the Commissioners Court or of any member of said court or of any other governing body, or any member thereof, of said county to do any act or work for the county or in which the county is, directly or indirectly, interested; to provide and require the Commissioners Court, and the members thereof, or any other governing body and the members thereof, to purchase all county supplies or requirements, including books, stationery, forms, road machinery, parts there-

for, gasoline and other liquid motor fuels, motor oils and greases, in sums or amounts in excess of fifty dollars, from the lowest responsible and competitive bidder, after same has been advertised for ten days by publication one insertion in some daily newspaper published in the state and by publication in each county newspaper for one time, and requiring all bids to be sealed and to be publicly opened, read and let; to fix the compensation of members of the Commissioners Court and fix the manner in which same shall be paid; to direct and empower the Commissioners Court of said County to employ a suitable person as Superintendent of Public Roads and Bridges of the county, to fix his salary and provide the manner of paying same, and to provide the governor shall appoint said Superintendent of Public Roads and Bridges if the Commissioners Court, or other governing body of the county, refuses, neglects or fails to appoint one within thirty days after the passage and approval of this Act and to fix the salary of said superintendent; to define the powers and duties of said Superintendent of Public Roads and Bridges, and to provide for his discharge for cause or for lack of sufficient funds to pay for his services; to provide penalties for the violation of the provisions of this Act; and to repeal all laws and parts of laws, local or general, in conflict with the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section One—The term Commissioners Court of Coosa County, Alabama, shall be construed to mean and include Board of Revenue, or other or similar governing body of the county; and members of the Commissioners Court shall be construed to mean and include members of the Board of Revenue or members of other like or similar governing body of Coosa County, Alabama.

Section One and One-Half—The Commissioners Court of Coosa County, Alabama, and the members thereof, are hereby prohibited from knowingly employing any person related to any member of the Commissioners Court of said county, within the fourth degree by blood or marriage, to do or perform any work of any kind in which the county is, directly or indirectly, interested, or to act as the agent of the Commissioners Court or of any member thereof, to transact any business, or to do any act, in which the county is, directly or indirectly, interested.

Section Two—The Commissioners Court of Coosa County, Alabama, and the members thereof, or any like or similar governing body of said county, and or the members thereof, are hereby required to purchase all requirements of the county in sums or amounts in excess of fifty dollars from the lowest responsible and competitive bidder, after having advertised by one insertion in some leading daily newspaper published in the state and by publication in each of the county papers of the county one week for bids, specifying the articles or things desired, which bids must not be opened or let for less than ten days after publication. This provision includes books, stationery, office supplies, gasoline and other liquid motor fuels, oils and greases, cars, trucks, tractors, scrapes and all other road machinery and utensils and parts thereof and therefor. It is hereby made a misdemeanor for the Commissioners Court, the members thereof, or any like or similar governing body and the members thereof, to fail, refuse or neglect to comply with the provisions of this Act.

All bids shall be publicly opened, read and let on the date advertised.

Section Three—The Commissioners Court, Board of Revenue, or like or similar governing body of said county, is hereby directed and empowered to elect a suitable person as Superintendent of Roads and Bridges of the county at a salary not to exceed one hundred dollars per month, payable monthly out of the gasoline funds of the county. The said Superintendent of Roads and Bridges may be paid not in excess of twenty-five dollars per month for actual expenses for himself, including car expenses, while away from home on duty, same to be allowed as other claims against county. Such superintendent shall have full and complete control of managing, directing and supervising the

construction and maintenance of all county roads and bridges of the county; to employ and discharge hands on and for said county roads, none of whom shall be related to any member of the Commissioners Court within the fourth degree by blood or marriage; the price paid for labor shall be uniform throughout the county, the scale of which shall be fixed by the governing body of said county. The governing body of said county may discharge the Superintendent of Roads and Bridges of the county for cause, and or for want of funds to pay the same. Should the governing body of said county fail, refuse or neglect to employ a Superintendent of Roads and Bridges for thirty days after the passage and approval of this act, or within ten days when the public good requires it, then the governor shall appoint a superintendent of Roads and Bridges of the county and fix his salary which amount shall be binding upon the governing body of the county to pay. It is the object and purpose of this section to employ a competent person to see after the construction and maintenance of the public roads and bridges of the county, in a unified and economical way for the best interests of the public.

Section Four—The Commissioners or members of any other like governing body of said county for all services rendered the county during any one calendar month, shall not receive in excess of Thirty-five dollars per month, which sum shall include mileage traveled while seeing after the business of the county. The sum herein named shall be based on basis of \$3.00 per day while actually engaged in attending court and time necessarily spent in seeing after the county's public buildings, bridges and road supervision. Per diem, mileage, etc., of each commissioner must be itemized, sworn to, audited and allowed by the Commissioners Court or other governing body of the county before being paid. The statement must include the dates worked, the mileage traveled on each date, where traveled and the purpose of the same.

Section Five—All contract made in violation of Sections One and One-Half and Two of this Act shall be null and void and unenforceable.

Section Six—The Commissioners Court of Coosa County, or any member thereof, or other or like governing body of Coosa County, Alabama, and or any member thereof, who violates any of the provisions of Sections One and One-Half, Two and Four of this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than two hundred dollars and not more than four hundred dollars for the first offense, and for conviction of any subsequent violation of the provisions of any section mentioned shall be fined not less than five hundred dollars and not more than one thousand dollars, and in addition thereto any member of the said governing body, may be sentenced by the court to jail or to hard labor for the county for not less than thirty nor more than ninety days. Any conviction shall vacate the office of the member convicted.

Section Seven—Should any court of competent jurisdiction declare any section, provision, sentence or clause of this Act void or unconstitutional, then the remaining parts shall be and remain in full force and effect.

Section Eight—Where the term, "governing body," or "other governing body" are used in this act, same shall be construed to mean the Commissioners Court, Board of Revenue, or any other like or similar governing body.

Section Nine—The provisions of this Act shall go into effect on its passage and approval by the governor, the public good requiring it.

Section Ten—The provisions of this Act shall be liberally construed by the courts to meet the evident purposes of the same.

JOHN A. DARDEN,
Senator, 34th District.

State of Alabama }
Tallapoosa County }

Before me, C. W. Lovelace, Notary Public in said state and for said county, personally appeared Thos. S. Bugg, publisher of The Goodwater Enterprise, who deposes and says upon oath that the attached notice of local bill for Coosa County was published in said newspaper, which has a general circulation in Coosa County, for four consecutive weeks, to-wit: On Jan. 5, 1933; on Jan. 12, 1933; on Jan. 19, 1933 and on Jan. 26, 1933.

THOS. S. BUGG,
Publisher.

Sworn to and subscribed before me, this the 30th day of January, 1933.

C. W. LOVELACE,
Notary Public.

(Seal)

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelley:

S. 14. To amend Section 9509 of the Alabama Code of 1923.

By Mr. Teasley:

S. 55. To amend Section 9008 of the Code.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker:

S. 1. To amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, To provide for the general revenue of the State of Alabama."

By Mr. Walker:

S. 2. To repeal Section 3122 of the Code of Alabama 1923.

By Mr. Kelley:

S. 12. To Amend Section 3088 of the Alabama Code of 1923.

By Mr. Kelley:

S. 13. To amend Section 3089 of the Alabama Code of 1923.

By Mr. Delony (with amendment):

S. 42. To prescribe the time allowed for redemption of real estate sold for taxes due for either of the years 1930, 1931, or 1932.

By Mr. Teasley:

S. 48. To submit to the qualified voters of the State of Alabama at an election to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, for their consideration an amendment to the Constitution

of the state reducing the salaries and compensations and allowances to be paid to all officers and employees of the state or any department thereof and all institutions receiving appropriations out of the State Treasury and all officers and employees of the several counties of the state whether paid on a salary basis or whether paid fees and commissions or other method of compensation and to provide that the Legislature of Alabama may hereafter from time to time by local or general laws fix and regulate and alter the amount of salaries and allowances received by said officers and employees including the method and basis of their compensation.

The above bill was read a second time at length as required by the Constitution.

By Mr. Delony:

S. 43. To amend Act No. 231 (H. 282) approved November 9, 1932, entitled "An Act to amend an Act entitled an Act relating to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney buses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama."

By Mr. Teasley:

S. 50. To fix the compensation or salaries and allowances to be paid to sheriffs in all counties in this state, which now have or which may hereafter have a population of 75,000 people and less than 110,000 people according to the last Federal Census or any such Census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis, and to regulate the payment of same, and to regulate the office of said sheriff, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction, to provide and furnish the said sheriffs with necessary quarters, books and stationery, and to provide for the payment of same.

By Mr. Teasley:

S. 54. To amend Section 8563 of the Code of Alabama of 1923.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDaniel:

S. 6. To provide for the issuance, sale and/or exchange of interest bearing warrants of the State of Alabama for the purpose of refunding all outstanding warrants dated prior to October 1, 1932, as authorized by an amendment to the Constitution of Alabama known as Article XXIII; to create a commission to carry out the provisions of this act; to make an appropriation to pay

interest and principal of said warrants and to designate the funds from which said appropriation shall be made.

The above bill was read a second time at length as required by the Constitution.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 8. To propose an amendment to the Constitution of Alabama to be known as 'Article XXIV', exempting from State ad valorem taxation and from levy and sale for State ad valorem taxes, the homestead of every resident of this State, the same to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00) and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, and to provide the time and manner such amendment shall go into effect.

The above bill was read a second time at length as required by the Constitution.

By Mr. Teasley:

S. 49. To propose an amendment to Section 213 of the Constitution of Alabama; and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

The above bill was read a second time at length as required by the Constitution.

By Mr. McDaniel:

S. 5. To propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXIII", said amendment to be as follows: "ARTICLE XXIII. Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this amendment no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this state, except as herein providedfor, shall be absolutely void; provided that all warrants issued by the State dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the state; the said warrants may be made payable at a future date not later than January 1, 1953, and new warrants in the same

or other denominations may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the State and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State", and to provide for an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden (with notice and proof):

S. 21. To authorize, empower and direct the Commissioners' Court of Coosa County or any other like governing body of said county to appropriate for the use and benefit of the public schools of Coosa County, Ala., to be used in the payment of sums now due or that may hereafter be due to the teachers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied and collected or that may hereafter be levied and collected by the State of Alabama and paid to the several counties of this State, coming to Coosa County, Alabama, from such funds under the several acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Coosa County, Alabama, is sufficient to run the public schools of Coosa County, Alabama, including school bus transportation for a term of eight months free school; to ratify and confirm all appropriations heretofore made out of said funds by the Commissioners' Court of Coosa County, Alabama, for the use and benefit of the public schools of the county; to repeal all laws and

parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

By Mr. Darden (with notice and proof):

S. 24. To provide for a Special Election to be held in Coosa County, Ala., at all the polling places in said county, at the first Special, Primary of General Election held in Coosa County, Alabama, if held prior to the 5th day of July, 1933, and if no such election is held by the said date of July 5th, 1933, then said Special Election provided for in this act shall be held on the 5th day of July, 1933, to determine by the qualified electors of Coosa County, Alabama, at any date said special election is held provided for in this Act, whether or not the offices of Tax Collector and Tax Assessor of Coosa County, Alabama, shall be abolished, and the office of Tax-Assessor-Collector shall be established and created in lieu of the Offices of Tax Assessor and Tax Collector of Coosa County, Alabama; to provide for the appointment of the Tax Assessor-Collector of Coosa County, Alabama, if a majority of the qualified electors vote affirmatively to abolish the offices of tax assessor and tax collector of Coosa County, Alabama, and to create in lieu of said offices the office of Tax Assessor-Collector, and to provide for his subsequent election by the qualified electors of the county; to define the qualifications, term of office and fix the compensation and provide the manner of paying the same, of the Tax Assessor-Collector; to define the duties, powers and obligations of the Tax Assessor-Collector; to provide for the appointment of a Deputy Tax Assessor-Collector, fix his salary and to provide for the payment of the same; to require and fix bonds for the Tax Assessor Collector and of the Deputy Tax, Assessor Collector to require the Tax Assessor Collector to collect and pay into the County Treasury or County Depository all commissions, fees, penalties, and all other charges or remunerations now collected for and paid to the Tax Assessor and Tax Collector of Coosa County, Alabama for their respective services or remunerations as such officials, as a SPECIAL FUND, and out of such SPECIAL FUND the salaries or compensations of the Tax Assessor-Collector and Deputy Tax Assessor-Collector shall be paid; to provide for the manner and to what purpose any excess of the Special Fund herein provided shall be applied, over and above the salaries of the Tax Assessor-Collector and his Deputy; to provide when the provisions of this Act shall go into effect if a majority of the qualified electors of Coosa County, Alabama, shall vote affirmatively in the Special Election herein provided for, and when the provisions of this Act shall go into effect if a majority of the qualified electors in Said Special Election shall not vote affirmatively; to provide for the appointment by the Governor of a Tax Assessor-Collector until the next general election in the event a majority of the qualified electors in the Special Election shall vote to abolish the offices of Tax Assessor and Tax Collector of Coosa County and to create in lieu of said

office the Office of Tax Assessor-Collector; to provide for the subsequent election of the Tax Assessor-Collector by the qualified electors of the County; and to provide and require that the Tax Assessor-Collector shall execute a good and solvent bond in a sum equal to the amount of both bonds now required of the Tax Assessor and Tax Collector of Coosa County, Alabama, payable and conditioned as now provided by general law; and to provide that the Tax Assessor-Collector shall discharge all duties, and be subject to all the pains and penalties, now required of the Tax Assessor and Tax Collectors of this state, now provided or that may be hereafter provided by law.

By Mr. Darden (with notice and proof):

S. 23. To require the Board of Review of Coosa County, Alabama, to give each tax payer of the county whose assessment for taxes are sought to be increased, written notice by registered mail, with return registration receipt requested, of the time and the place set for hearing by the said Board of Review of hearing each tax payer's assessment; and any increases made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such persons and it is made the duty of the Secretary or Clerk of the Board of Review of Coosa County, to give such registered notices.

By Mr. Darden (with notice and proof):

S. 26. To provide for and to call a Special Election for Coosa County, Alabama, to be held at all the voting places in said county, at the next Special, Primary or General Election held in Coosa County, Ala., if one should be held before July 5th, 1933, and if not before then the Special Election herein provided for shall be held on Wednesday, July 5th, 1933, to determine by the electors of said County, whether or not the Commissioner's Court of Coosa County, Alabama shall be abolished and a County Board of Revenue created and established in lieu of the Commissioner's Court; to define the number of members on the Board of Revenue, if approved; to define their qualifications, fix their compensation; and prescribe their duties, powers and obligations; to provide for the appointment and-or election of the members of the Board of Revenue and their term of office; to make the Board of Revenue a court of record when acting in judicial capacity, and to require minutes be kept and subject to public inspection and to prohibit closed or secret sessions of the Board of Revenue; to require the Board of Revenue to buy all county supplies, in excess of fifty dollars, including books, stationery, records, road machinery, gasoline, motor oil parts for tractors or machinery, of the county, from the lowest responsible competitive bidder; to prohibit and punish any member of the Board of Revenue for employing or voting for any one related to any member of the Board of Revenue within the fourth degree by blood or marriage, to do any work for the county or to

act as agent of any member of the Board of Revenue to do or to perform any act for such members; to provide that the Board of Revenue of Coosa County may appoint or elect a qualified and suitable man as County Road Superintendent who shall have control of the working and maintaining of the county public roads and bridges, to fix his salary or compensation which shall not be more than One Hundred Dollars per month with actual expenses added not to exceed Twenty-five Dollars per month; if the Board of Revenue fails or refuses to elect or appoint such Road Superintendent of County Roads for thirty days after this Act goes into effect, the Governor is empowered and directed to make the appointment and fix his compensation; and the Board of Revenue may at any time remove such Road Superintendent on ten day's notice, with or without cause, if the financial condition of the county require such removal, and the Board of Revenue or the Governor may fill such vacancy any time the Board of Revenue of Coosa County or the Governor may deem expedient and for the best interests of the county; to provide that members of the Board of Revenue shall not receive for any one month for all services rendered and mileage traveled more than Thirty-five dollars; to provide that members of the Board of Revenue and the Board of Revenue shall observe all local and general laws not in conflict with the provisions of this Act; to provide that if a majority of the electors of Coosa County, Alabama shall vote in favor of abolishing the Court of County Commissioners and establishing in lieu thereof a Board of Revenue for the County, then all the provisions of this Act shall go into effect on Jan. 1st, 1933, but if not so approved, this Act with all its provisions shall go into effect on First Monday after the Second Tuesday, in January, 1935.

By Mr. Walker (with notice and proof):

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the County Depository of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel, under the terms and provisions of House Bill No. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

ADVERSE REPORTS

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit: By Mr. Goodwin:

S. 45. To declare claims of Chief Deputy Sheriffs preferred claims against the County: to fix the order of priority of such claims: and to repeal all other laws or parts of laws in conflict herewith.

ORDER TO PRINT

On motion of Mr. Teasley, 500 copies each of the bills:

S. 6. To provide for the issuance, sale and/or exchange of interest bearing warrants of the State of Alabama for the purpose of refunding all outstanding warrants dated prior to October 1, 1932, as authorized by an amendment to the Constitution of Alabama known as Article XXIII; to create a commission to carry out the provisions of this Act; to make an appropriation to pay interest and principal of said warrants and to designate the funds from which said appropriation shall be made.

Also:

S. 48. To submit to the qualified voters of the State of Alabama at an election to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, for their consideration an amendment to the Constitution of the State reducing the salaries and compensations and allowances to be paid to all officers and employees of the state or any department thereof and all institutions receiving appropriations out of the State Treasury and all officers and employees of the several counties of the state whether paid on a salary basis or whether paid fees and commissions or other method of compensation and to provide that the Legislature of Alabama may hereafter from time to time by local or general laws fix and regulate and alter the amount of salaries and allowances received by said officers and employees including the method and basis of their compensation.

Were ordered printed for the use of the Senate.

On motion of Mr. Hildreth, 500 copies each of the bills:

S. 5. To propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXIII", said amendment to be as follows: "ARTICLE XXIII. Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this amendment no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this state, except as herein provided for, shall be absolutely void; provided that all warrants issued by the State dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the State; the said warrants may be made payable at a future date not later than January 1, 1953, and new warrants in the same or other denominations may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding

warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the State and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the Legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State", and to provide for an election thereon.

Also:

S. 49. To propose an amendment to Section 213 of the Constitution of Alabama; and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Were ordered printed for the use of the Senate.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report with substitutes, to-wit:

S. R. 1. With the following substitute:

Be it resolved by the Senate of Alabama as follows:

1. During the present special session of this Legislature the Committee on Finance and Taxation, Local Legislation, and Judiciary shall have one clerk each to be named by the chairman of each of said committees. There shall be only four other Senate Committee Clerks who shall be appointed by the Sec. of the Senate and whose compensation shall be \$4.00 per day. All of said clerks must be competent stenographers. Said clerks must remain at the Capitol every day that the Legislature is in session and every day that any committees meetings are to be held. The Secretary of the Senate shall assign one of said stenographers to each committee when in session. When said clerks are not actually engaged in attending committee meetings they shall be subject to call by any member of the Senate for the performance of any stenographic or clerical work directly connected with the official duty of such Senators.

2. There shall be only one page and one messenger, each to receive \$2.00 per diem, each to be appointed by the presiding officer of the Senate.

3. There shall be no door keeper of the gallery.

4. In addition to the Sec. of the Senate, the Asst. Sec. of the Senate, and the 2nd Asst. Sec. of the Senate and chief clerk, of the Sec. of the Senate shall appoint not exceeding 16 assistants whose compensation shall be \$4.00 per day.

5. The Enrolling Clerk shall designate not exceeding three clerks or assistants whose compensation shall be \$4.00 per day.

6. The Engrossing and Comparing Clerks shall have no assistants.

7. Be it further resolved by the Senate that all of the following officers and subordinate officers of the Senate, to-wit: Pres. Protem, Sec., Asst. Sec., and 2nd Asst. Sec., Doorkeeper, Asst. Doorkeeper, who may be door keeper of the gallery, Enrolling Clerk, Engrossing Clerk and Comparing Clerk, as elected at the regular Session of the Legislature of 1931 be, and are hereby reelected and continued in office during this special session of the Legislature.

8. No additional clerks or employees shall be hereafter added to the Senate payroll.

9. The Sec. of the Senate shall have authority to employ one servant to be paid not exceeding \$1.50 per day.

And on motion of Mr. Powell, said substitute was adopted and said resolutions, as thus amended, concurred in and adopted.

Also:

S. R. 3. With the following substitute:

Be it resolved by the Senate as follows:

1. That the Secretary be and he is hereby authorized and directed to notify the House that the Senate has completed its organization.

And on motion of Mr. Powell, said substitute was adopted and the resolution, as thus amended, concurred in and adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith submitting to you, for such action as you may see fit to take, certificate of Honorable Pete B. Jarman, Jr., Secretary of State, to the effect that Honorable Frank G. Blair has been elected a member of the State Docks Commission for a term of five years from September 26, 1932.

This is sent to you for your confirmation, or for such action as you may think proper.

Respectfully,

B. M. MILLER,
Governor.

Feb. 1, 1933.

TO THE SENATE OF ALABAMA:

In accordance with Act No. 1, Section 2 thereof, approved January 17, 1927, I, Pete B. Jarman, Jr., Secretary of State of the State of Alabama, do hereby certify that since the last session of the Legislature which was that of the extraordinary session of 1932, and which convened on August 16, 1932, and adjourned on November 4, 1932, Frank G. Blair was, on November 1, 1932, elected member of the State Docks Commission for a term of five years from September 26, 1932, his term having expired, by Hon. B. M. Miller as Governor and ex-officio member of the Commission, R. A. Christian and Temple Tutwiler as remaining members of said Commission, pursuant to said Section 2, Act No. 1, approved January 17, 1927, such election having been concurred in by said B. M. Miller, Governor and Ex-officio Member, R. A. Christian and Temple W. Tutwiler, remaining members of said Commission, as further evidenced by a certified copy of minutes of the meeting, signed by J. H. Bruce, Secretary-Treasurer, Alabama State Docks Commission.

I further certify that the above is transmitted to you for your confirmation or rejection as you see fit or proper.

This January 30, 1933.

Respectfully submitted,

PETE B. JARMAN, JR.,

Secretary of State of the State of Alabama.

(Seal)

A call meeting of the State Docks Commission was held in the Governor's office, to wit, November 1st, 1932, at which time the following business was transacted:

WHEREAS, the term of office of FRANK G. BLAIR as a member of the State Docks Commission expired on the 26th. day of September, 1932, and said office is now vacant, and

WHEREAS, the remaining Commissioners were unable to elect a new member to fill said vacancy within ten days after said vacancy occurred, and

WHEREAS, Section Two of the State Docks Commission Act, approved January 17, 1927, provides that in such a case the Governor of the State shall act as exofficio member of the Commission together with the remaining Commissioners for the purpose of filling said vacancy, NOW:

BE IT KNOWN that the Honorable B. M. Miller as Governor and exofficio member of the Commission, R. A. Christian and Temple Tutwiler as remaining members of said Commission do now concur in the election of Frank G. Blair as a member of the State Docks Commission to fill said vacancy for a term of five years from the 26th day of September, 1932, pursuant to the provisions of said Section Two.

B. M. MILLER,

Governor & Exofficio Member

R. A. CHRISTIAN

TEMPLE W. TUTWILER.

I, J. H. Bruce, Secretary-Treasurer of the State Docks Commission of Alabama, hereby certify that I am the custodian of the records of said Commission; that the foregoing is a true copy of the minutes of said meeting.

Given under my hand this the 25th. day of January 1933.

J. H. BRUCE,
Secretary-Treasurer.

GOVERNOR'S MESSAGE

On motion of Mr. Goodwin, the Senate confirmed the appointment of His Excellency, the Governor, of Honorable Frank G. Blair as a Member of the State Docks Commission for a term of five years from Sept. 26, 1932.

Yeas, 36; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Craft

Darden

Delony

Duncan

Edmundson

Farmer

Faulk

Fletcher

Garrett

Goodwin

Hildreth

Hooton

Hubbard

Kelley

Lapsley

Lusk

McDaniel

McDowell

Millsap

Mullins

Powell

Riddle

Scruggs

Shepherd

Teasley

Walker

Warren

Wikle

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RESOLUTION

Mr. Powell offered the following joint resolution:

S. J. R. 11. Resolved by the Senate, the House concurring, that, when the two Houses adjourn today, they adjourn to meet again on Friday, Feb. 3rd, 1933.

And on motion of Mr. Powell, the Rules were suspended and the Resolution adopted.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,
Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report of the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Second Legislative Day, approved.

ADJOURNMENT

At 12:45 P. M., on motion of Mr. Hildreth and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, Feb. 3rd, 1933, at 10 A. M.

THIRD DAY

Friday, February 3rd, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. E. M. Parkman of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Farmer	Lusk	Teasley
Cooper	Faulk	McDaniel	Walker
Cowart	Fletcher	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton	Powell	

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JOURNAL

On motion of Mr. McDaniel the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Riddle:

S. 70. To amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama," approved November 6, 1932.

Committee on Education.

By Mr. Edmundson:

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including

the Superintendent of Education and the Board of Education, except the Sheriff, and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or sub-division of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such compensation out of the County Treasury; and to repeal the Act approved August 11th, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix the term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th, 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal.'"

Committee on Banking and Insurance.

By Mr. McDaniel:

S. 72. To amend Section 2006 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Faulk:

S. 73. To fix the compensation or salary to be paid the Judge of Probate of Geneva County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF SPECIAL LEGISLATION

Notice is hereby given that at the Extraordinary session of the Legislature of Alabama to convene January 31, 1933, I will introduce a local bill, the substance of which will be as follows:

AN ACT

To fix the compensation or salary to be paid the Judge of Probate of Geneva county, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Geneva county, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the county, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

T. S. FAULK.

State of Alabama }
Geneva County }

I, W. F. McCartney, Editor and Proprietor of the Samson Ledger, a weekly newspaper published in Samson, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Jan. 5, 1933, and ending Jan. 26, 1933.

Witness my hand this 2nd day of February, 1933.

W. F. MCCARTNEY.

Sworn to and subscribed before me this 2nd day of Feb., 1933.

REX D. ROACH,
Notary Public.

(Seal)

By Mr. Faulk:

S. 74. To fix the compensation or salary to be paid the Tax Collector of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Collector of Geneva County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF SPECIAL LEGISLATION

Notice is hereby given that at the Extraordinary session of the Legislature of Alabama to convene January 31, 1933, I will introduce a local bill, the substance of which will be as follows:

AN ACT:

To fix the compensation or salary to be paid the Tax Collector of Geneva county, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Geneva county, Alabama, and to require said official to collect all fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva county; to provide for the payment of the salary or compensation of said Tax Collector of Geneva county, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva county, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

T. S. FAULK.

State of Alabama }
Geneva County }

I, W. F. McCartney, Editor and Proprietor of the Samson Ledger, a weekly newspaper published in Samson, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Jan. 5, 1933, and ending Jan. 26, 1933.

Witness my hand this 2nd day of February, 1933.

W. F. McCARTNEY.

Sworn to and subscribed before me this 2nd day of Feb., 1933.

REX D. ROACH,
Notary Public.

(Seal)

By Mr. Powell:

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix their positions, number, term of office, election or appointment, and how elected, selected or appointed; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation is to be paid; to provide further that the Senate or House, either or both, has or have no authority by resolution or rule to change the number or compensation of such officers or employees, and that such can be done only by Legislative enactment in the form of a Bill or Act of the Legislature; to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Darden:

S. 76. To amend Section 5076 of the 1923 Code of Alabama.

Committee on Judiciary.

By Mr. Darden :

S. 77. To propose an amendment to the Constitution of Alabama, to be known as Article XXVII, authorizing the Legislature of Alabama to decrease the salaries, fees, commissions or any other compensation of all civil officers, elected or appointed, of the State, or of any District, County or municipality thereof during the terms for which they were elected or appointed, and to authorize the Legislature during the term submitting this amendment, to the people, to decrease the salaries, fees, commissions or any other compensation of any civil officer of this State or of any District, County, Municipality thereof during the present terms of office and to become effective on the ratification of this amendment by the people; to suspend or annul all constitutional and/or statutory inhibitions to the contrary; and to call an election to submit this proposed amendment to the people of Alabama for ratification or rejection.

Committee on Constitution, Constitutional Revision and
Amendments.

The above bill was read a first time at length as required by the Constitution of Alabama.

By Mr. Craft :

S. 78. To further protect the wild life resources of the State of Alabama by prohibiting night hunting with headlight or other artificial light on lands which the hunter does not own without the written permission of the land owner, or his duly authorized agent; to prohibit a person or persons from going upon the lands of another with headlight or other artificial light at night without the written consent of the land owner, or his duly authorized agent; to fix the open season during which time fur-bearing animals may be taken and to provide penalties for the violation of this act.

Committee on Fish, Game & Forestry.

By Mr. Craft :

S. 79. To amend Section 269 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Committee on Finance and Taxation.

By Mr. Mullins :

S. 80. To amend Section 8355 of the Code of Alabama of 1923.
Committee on Judiciary.

By Mr. Mullins :

S. 81. To amend Section 3571 of the Code of Alabama of 1923.
Committee on Judiciary.

By Mr. Hooton :

S. 82. To amend sub-section 3 of Section 7407 of the 1923 Code of Alabama.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Scruggs, chairman of the Standing Committee on Revision of Laws, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 20. To repeal an Act approved January 17, 1927, entitled "An Act to amend Section 1530 of the Code of Alabama of 1923."

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bonner:

S. 47. To repeal an Act approved February 20, 1931 entitled "An Act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate." By Mr. Walker (with amendment):

S. 57. "To provide that preference shall be given to supplies, commodities, materials and provisions produced and manufactured and grown in the State of Alabama, in the purchase of supplies, commodities, materials and provisions by all state institutions, counties, municipalities and school districts, where such supplies, commodities, materials and provisions are of approximately equal quality with those that are produced or manufactured outside of the State of Alabama.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden (with notice and proof):

S. 67. To provide for, direct and call a Special Election at all the polling or voting places in Coosa County, Alabama, on Wednesday, July 5th, 1933, or if any Special, Primary or General Election is held in Coosa County, Alabama, prior to said July 5th, 1933, then the Special Election herein provided for shall be conducted and held on the date of such special, primary or general election, and at either date of said special election herein provided for, to determine by the qualified electors of Coosa County, Alabama, whether or not the County Board of Education of Coosa County, Alabama, shall be abolished, and a County School Board, with five members, shall be created and established in lieu of the County Board of Education; and to provide for the appointment of members of the County

School Board for Coosa County, Alabama, by the Governor until the next General Election, and thereafter to be elected by the qualified electors of the county and to hold office for a term of four years from the second Tuesday after first Monday in January, after their election; to define the qualifications, duties and powers of members of the County School Board; to fix the compensation of members of the County School Board and provide the manner of paying the same; to prohibit secret or closed sessions of the Public School Board; to provide for the organization of the Public School Board and to require minutes of each meeting be written within five days after each session and to provide for public inspection of the same; to provide that the provisions of this Act, if ratified by the electors in the Special Election provided for in this Act, shall go into effect ten days after said Special Election, and if not ratified by the qualified electors of the County in the Special Election, then all the provisions of this Act, except the Special Election Provision, shall go into effect and be operative on the second Tuesday after the first Monday in January, 1935, and members of the County School Board shall be elected at the general election in 1934 as other county officers are or may be elected; and to require the County School Board of Coosa County, Alabama, to comply with all local and general laws, not in conflict with the provisions of this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

By Mr. Darden (with notice and proof):

S. 68. To relieve all citizens of Coosa County, Alabama, who are subject to work the public roads of the county, and/or of paying in lieu thereof a road tax from all legal liability for either, and to relieve all citizens of any of the municipalities of Coosa County, Alabama, who are subject to work on the streets thereof and/or to pay a street tax in lieu of such service, from any and all liability to work on the streets of said municipalities and from any and all liability of paying a street tax in lieu of such service to the said municipalities in Coosa County, Alabama.

By Mr. Darden (with notice and proof):

S. 69. To further regulate and define the duties, obligations and responsibilities of the Commissioners' Court of Coosa County, and the Members of said Court, or other like or similar governing body of Coosa County, Alabama, and members thereof; to prohibit, and make unlawful, the Commissioners' Court, and all members thereof or other or similar governing body of Coosa County, and the members thereof, from knowingly employing, directly or indirectly, any person, related within the fourth degree, by blood or marriage, to any member of the Commissioners' Court, or member of any like or similar governing body of said county, to do or perform any act or work in which Coosa County is, directly or indirectly, interested, or knowingly employ any person so related to act as the agent of the Commissioners' Court or of any member of said court or of any

other governing body, or any member thereof, of said county to do any act or work for the county or in which the county is directly or indirectly, interested; to provide and require the Commissioners' Court, and the members thereof, or any other governing body and the members thereof, to purchase all county supplies or requirements, including books, stationery, forms, road machinery, parts therefor, gasoline and other liquid motor fuels, motor oils and greases, in sums or amounts in excess of fifty dollars, from the lowest responsible and competitive bidder, after same has been advertised for ten days by publication one insertion in some daily newspaper published in the State and by publication in each county newspaper for one time, and requiring all bids to be sealed and to be publicly opened, read and let; to fix the compensation of members of the commissioners' court and fix the manner in which same shall be paid; to direct and empower the commissioners' court of said county to employ a suitable person as Superintendent of Public Roads and Bridges of the county, to fix his salary and provide the manner of paying same, and to provide the Governor shall appoint said Superintendent of Public Roads and bridges if the Commissioners' Court, or other governing body of the county, refuses, neglects or fails to appoint one within thirty days after the passage and approval of this Act and to fix the salary of said Superintendent; to define the powers and duties of said Superintendent of Public Roads and Bridges, and to provide for his discharge for cause or for lack of sufficient funds to pay for his services; to provide penalties for the violation of the provisions of this Act; and to repeal all laws and parts of laws, local or general, in conflict with the provisions of this Act.

Mr. McDaniel, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cowart:

S. 17. To amend Section 373 of the Code of Alabama of 1923.

LEAVES OF ABSENCE

On motion of Mr. Kelley, leaves of absence were granted Messrs. Beasley, Garrett, Goodwin and McDowell for today.

BILLS ON SECOND READING

Mr. Walker moved that the bill:

S. 56. To propose an amendment to the Constitution of the State of Alabama to be known as "Article XXVI", amending Section 256 of the Constitution of Alabama, fixing the time for holding an election for the purpose of submitting said amendment to the qualified electors of the State of Alabama for their ratification, and fixing the method of holding said election.

Be given a second reading and placed on the calendar for a third reading.

Mr. Bonner moved that said motion be indefinitely postponed.

Mr. Scruggs moved to table the motion of Mr. Bonner, which motion prevailed, and the motion to indefinitely postpone was laid on the table.

Yeas, 19; nays, 11.

Yeas:

Messrs.:

Bartlett	Farmer	Lapsley	Teasley	
Cowart	Faulk	Lusk	Walker	
Darden	Fletcher	Riddle	Warren	
Delony	Hooton	Scruggs	Wikle	
Edmundson	Kelley	Shepherd		—19

Nays:

Messrs.:

Bonner	Cooper	Hubbard	Mullins	
Brown	Craft	McDaniel	Powell	
Caffey	Duncan	Millsap		—11

The motion of Mr. Walker to have said bill read a second time and placed on the calendar then prevailed, and said bill was read a second time at length and placed on the calendar for a third reading on tomorrow.

RESOLUTIONS

Mr. Duncan offered the following Senate resolution:

S. R. 12. RESOLVED BY THE SENATE, That no person shall be allowed the privileges of the floor of the Senate during its sittings except as are now allowed this privilege by the Constitution and laws of Alabama and except such others as may be granted the privilege upon recommendation of the Committee on the Privileges of the Floor, to consist of three members appointed by the presiding officer. All resolutions for the privileges of the floor will be referred to the committee on the privileges of the floor instead of being acted upon immediately by the Senate as heretofore. The report of the committee of the privileges of the floor may be made at any time the chairman of the committee is recognized by the presiding officer. Privileges of the floor and the use of the press table shall be extended only to those representatives of the press bearing proper credentials from recognized newspapers and telegraphic press associations, provided, that no person shall be admitted on the floor of the Senate who is engaged in lobbying and who is attempting to influence Legislation. Admission to the floor of the Senate will be by card only, such card being signed by the presiding officer and the Secretary of the Senate, and shall be valid for only the day of its date.

Which was read and referred to the Standing Committee on Rules.

Mr. Scruggs offered the following Joint Resolution:

S. J. R. 13. Be it Resolved by the Senate, the House concurring, that a joint committee of the two Houses be raised for the purpose of considering the several warrant refunding constitutional amendments and enabling bills pending in the two Houses, and to draft amendments thereto or substitutes therefor for the consideration of the two Houses, or to recommend the adoption of such pending amendment and enabling bill as they shall consider available.

Be It Further Resolved that such Committee shall consist of five members of the Senate, to be appointed by the President of the Senate, and seven members of the House, to be appointed by the Speaker of the House, and that the President of the Senate and Speaker of the House be ex-officio members of such committee.

And on motion of Mr. Scruggs, the Rules were suspended and the resolution adopted.

Thereupon the President of the Senate appointed as a Committee on part of the Senate, Messrs. McDaniel, Scruggs, Fletcher, Lapsley, Riddle, and Lieutenant-Governor Merrill, ex-officio.

Mr. Faulk offered the following Senate Resolution:

S. R. 14. Whereas the venerable Senator from Mobile has been for many years an active and patriotic servant of the State and people of Alabama, and

Whereas there are a great many general and local measures requiring the special attention of Senator John Craft and the committee of which he is chairman, therefore

BE IT RESOLVED BY THE SENATE that Senator Craft be and is hereby allowed to appoint for his assistance one clerk, to be paid as other Committee Clerks are paid, during the present extra session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Mr. Powell offered the following joint resolution:

S. J. R. 15. BE IT RESOLVED BY THE SENATE, the House concurring, that a joint committee of the two Houses be raised for the purpose of considering the several necessary revenue producing bills, if any, for refunding the debts of the State and interest thereon and/or substitution of one source of revenue for another, pending in the two Houses, and to draft amendments thereto or substitutes therefor for the consideration of the two Houses, or to recommend the adoption of such pending bill or bills as they shall consider advisable.

BE IT FURTHER RESOLVED, that such Committee shall consist of seven members of the House, to be appointed by the Speaker of the House, and five members of the Senate, to be appointed by the President of the Senate, and that the Speaker of the House and President of the Senate be ex-officio members of such committee.

Which was adopted, under a suspension of the Rules.

Thereupon, the President and Presiding Officer of the Senate appointed as a Committee on part of the Senate, Messrs. Powell, Beasley, Teasley, Kelley, Farmer and Lieutenant-Governor Merrill, ex-officio.

APPOINTMENT OF PAGE AND MESSENGER

Pursuant to S. J. R. 1, heretofore adopted, the President and presiding officer of the Senate, announced the appointment of James Bartlett as page and Herbert Johnson as messenger of the Senate for the present session.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. St. John:

H. J. R. 14. Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, February 7th, 1933.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted H. J. R. 14, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Culver:

H. 18. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that in all cases where State and County licenses are levied upon a population classification for a period of two years after the date of such consolidation the licenses levied shall be computed and based upon the population of the municipality according to the last Federal Census in which the place where such business or occupation as carried on, was located prior to such consolidation or merger, and to make legal any licenses which have been previously issued according to such population classification; and to authorize refunds of licenses heretofore issued in such municipalities, computed on a different population basis.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 18, to the Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

S. 14. To amend Section 9509 of the Alabama Code of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Scruggs
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lapsley	Teasley
Caffey	Farmer	Lusk	Walker
Cowart	Faulk	Mullins	Warren
Craft	Fletcher	Powell	Wikle
Darden	Hooton	Riddle	

—27

The bill:

S. 55. To amend Section 9008 of the Code.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Lapsley	Shepherd
Bonner	Delony	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Hooton	Mullins	Warren
Cowart	Hubbard	Scruggs	Wikle
Craft	Kelley		

—22

The bill:

S. 1. To amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, To provide for the general revenue of the State of Alabama."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Kelley	Powell
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Teasley
Caffey	Fletcher	McDaniel	Walker
Cooper	Hubbard	Millsap	Warren
Craft			

—21

The bill:

S. 2. To repeal Section 3122 of the Code of Alabama 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Bartlett	Farmer	Lusk	Shepherd
Caffey	Faulk	Millsap	Teasley
Cooper	Fletcher	Mullins	Walker
Craft	Hubbard	Powell	Warren
Darden	Kelley	Scruggs	Wikle
Delony	Lapsley		

—22

Nay:—Mr. Hooton

— 1

The bill:

S. 12. To amend Section 3088 of the Alabama Code of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Scruggs
Bonner	Duncan	Lapsley	Shepherd
Brown	Faulk	Lusk	Teasley
Caffey	Fletcher	McDaniel	Walker
Cooper	Hooton	Millsap	Warren
Craft	Hubbard	Powell	Wikle
Darden			

—25

The bill:

S. 13. To amend Section 3089 of the Alabama Code of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Scruggs
Caffey	Duncan	Lapsley	Shepherd
Cooper	Edmundson	Lusk	Walker
Cowart	Faulk	Millsap	Warren
Craft	Hooton	Mullins	Wikle
Darden	Hubbard	Powell	

—23

The bill:

S. 48. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama at an election to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, for their consideration an amendment to the Constitution of the State reducing the salaries

and compensations and allowances to be paid to all officers and employees of the State or any department thereof and all institutions receiving appropriations out of the State Treasury and all officers and employees of the several counties of the State whether paid on a salary basis or whether paid fees and commissions or other method of compensation and to provide that the Legislature of Alabama may hereafter from time to time by local or general laws fix and regulate and alter the amount of salaries and allowances received by said officers and employees including the method and basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

(a) Commencing on the first day of the month following the adoption of this amendment the salary of all officers and employees of the State or any department thereof or any institution receiving appropriations out of the State Treasury and all officers or employees of the several counties of the State, whether paid on a salary basis or whether paid fees and commissions or other method of compensation who were receiving on Jan. 1, 1932, more than \$1,200.00 per annum as compensation for services performed for the State or any county thereof as salary or compensation be and the same is hereby reduced as follows:

All officers or employees receiving \$7,500.00 or more net per annum shall be reduced 33 $\frac{1}{3}$ per cent; all officers and employees receiving \$6,000.00 and less than \$7,500.00 net per annum shall be reduced 25 percent; all officers and employees receiving \$4,000.00 and less than \$6,000.00 net per annum shall be reduced 20 percent; all officers and employees receiving \$2,000.00 and less than \$4,000.00 net per annum shall be reduced 15 percent; all officers and employees receiving less than \$2,000.00 net per annum shall be reduced 10 percent. Provided, however, that no officer or employee shall receive more than \$5,000.00 net per annum which is the maximum under this amendment and the salary of no officer or employee receiving \$1,200.00 or less net per annum shall be reduced. Provided no reduction made herein shall reduce the salary received by any officer or employee below a minimum of \$1,200.00 per annum net.

The above scale of reduction shall apply to the payroll as of Jan. 1, 1931, and to any office created subsequent thereto where such officers or employees are paid on a salary basis and all officers or employees receiving fees and commissions or other method of compensation the scale of reduction shall be based on the net proceeds

of the office for and during the year 1931. Provided, however, if any salary has since Jan. 1, 1931 been reduced to a greater extent than the above provision would reduce it, the reduction already made shall remain in effect and such salary shall not be increased by the provisions of this Act.

(b) All officers and employees receiving fees, commissions or other method of compensation shall continue to collect the same fees, commissions and other compensation as provided by law and shall pay into the county treasury of his county all amounts in excess of amount due him under the provisions of this amendment. The State Comptroller shall have the power to fix and prescribe rules and regulations for the collection of the amount due the counties under the provisions of this amendment.

(c) This amendment is hereby declared to be self operative and all Acts of the Legislature in conflict with the provisions of this amendment are hereby expressly repealed.

(d) The Legislature of Alabama may hereafter from time to time by Local or General laws fix and regulate and alter the amount of the above named salaries and allowances including the method and basis of their compensation.

(e) This amendment shall supercede Sections 150 and 281 of the Constitution but said sections shall remain in full force and effect as to any future Acts of the Legislature changing the salaries and compensation of officers and employees as fixed under this amendment.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election shall be printed the following viz: Shall the following be adopted as an amendment to the Constitution of Alabama?

"Commencing on the first day of the month following the adoption of this amendment the salary of all officers and employees of the State or any department thereof or any institution receiving appropriations out of the State Treasury and all officers or employees of the several counties of the State, whether paid on a salary basis or whether paid fees and commissioners or other method of compensation who were receiving on Jan. 1, 1932, more than \$1,200.00 per annum as compensation for services performed for the State or any county thereof as salary or compensation be and the same is hereby reduced as follows:

All officers or employees receiving \$7,500.00 or more net per annum shall be reduced $33 \frac{1}{3}$ per cent; all officers and employees

receiving \$6,000.00 and less than \$7,500.00 net per annum shall be reduced 25 per cent; all officers and employees receiving \$4,000.00 and less than \$6,000.00 net per annum shall be reduced 20 percent; all officers and employees receiving \$2,000.00 and less than \$4,000.00 net per annum shall be reduced 15 percent; all officers and employees receiving less than \$2,000.00 net per annum shall be reduced 10 percent. Provided, however, that no officer or employee shall receive more than \$5,000.00 net per annum which is the maximum under this amendment and the salary of no officer or employee receiving \$1,200.00 or less net per annum shall be reduced. Provided no reduction made herein shall reduce the salary received by any officer or employee below a minimum of \$1,200.00 per annum net.

The above scale of reduction shall apply to the payroll as of Jan. 1, 1931 and to any office created subsequent thereto where such officers or employees are paid on a salary basis and all officers or employees receiving fees and commissions or other method of compensation the scale of reduction shall be based on the net proceeds of the office for and during the year 1931. Provided, however, if any salary has since Jan. 1, 1931 been reduced to a greater extent than the above provision would reduce it, the reduction already made shall remain in effect and such salary shall not be increased by the provisions of this Act.

(b) All officers and employees receiving fees, commissions or other method of compensation shall continue to collect the same fees, commissions and other compensation as provided by law and shall pay into the county treasury of his county all amounts in excess of amount due him under the provisions of this amendment. The State Comptroller shall have the power to fix and prescribe rules and regulations for the collection of the amount due the counties under the provisions of this amendment.

(c) This amendment is hereby declared to be self operative and all Acts of the Legislature in conflict with the provisions of this amendment are hereby expressly repealed.

(d) The Legislature of Alabama may hereafter from time to time by Local or General laws fix and regulate and alter the amount of the above named salaries and allowances including the method and basis of their compensation.

(e) This amendment shall supercede Sections 150 and 281 of the Constitution but said sections shall remain in full force and effect as to any future Acts of the Legislature changing the salaries and compensation of officers and employees as fixed under this amendment."

Following the proposed amendment on the ballot shall be printed the word "Yes," and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as

now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Warren moved that further consideration of said bill be postponed until the next Legislative Day.

Mr. Teasley moved to table the motion to postpone, which motion prevailed, and said motion was laid on the table.

Yeas, 23; nays, 6.

Yeas:

Messrs.:

Bartlett
Bonner
Cooper
Craft
Darden
Delony

Duncan
Edmundson
Farmer
Faulk
Fletcher
Hooton

Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins

Scruggs
Shepherd
Teasley
Walker
Wikle

—23

Nays:

Messrs.:

Caffey
Coward

Hubbard
Powell

Riddle

Warren

— 6

Thereupon Mr. Bonner offered the following amendment to said bill to-wit:

Amend S. 48 by striking out subsection (a) of Sections One and Three and inserting in lieu thereof the following:

(a) Commencing on the first day of the month following the adoption of this amendment the salary of all officers and employees of the State or any department thereof or any institution receiving appropriations out of the State Treasury and all officers or employees of the several counties of the State, whether paid on a salary basis or whether paid fees and commissions or other method of compensation who were receiving on January 1, 1932, more than \$1,200.00 per annum as compensation for services performed for the State or any County thereof as salary or compensation be and the same is hereby reduced as follows:

All officers or employees receiving \$7,500.00 or more net per annum shall be reduced 33 1/3 per cent; all officers and employees re-

ceiving \$6,000.00 and less than \$7,500.00 net per annum shall be reduced 25 percent; all officers and employees receiving \$4,000.00 and less than \$6,000.00 net per annum shall be reduced 20 percent; all officers and employees receiving \$2,000.00 and less than \$4,000.00 net per annum shall be reduced 15 percent; all officers and employees receiving less than \$2,000.00 net per annum shall be reduced 10 percent. The salary of the Governor shall be reduced to \$6,000.00 per annum. The salary of the Chief Justice of the Supreme Court shall be \$5,500.00 per annum. Provided, however, that no officer or employee shall receive more than \$5,000.00 net per annum from all sources, which is the maximum under this amendment, and the salary of no officer or employee receiving \$1,200.00 or less net per annum shall be reduced. Provided no reduction made herein shall reduce the salary received by any officer or employee below a minimum of \$1,200.00 per annum net. Provided further that the salary and other expenses of all officers and employees now being paid upon a salary basis in lieu of fees, commissions and other compensations, where said fees, commissions and other compensations are paid into the County Treasury shall not exceed the amount of fees, commissions and compensations actually paid into the county treasury from the operation and conduct of said offices.

The above scale of reduction shall apply to the payroll as of January 1, 1931, including all amounts received by any officer under color of or by virtue of the office, and to any office created subsequent thereto where such officers or employees are paid on a salary basis and all officers or employees receiving fees and commissions or other method of compensation the scale of reduction shall be based on the net proceeds of the office for and during the year 1931. Provided, however, if any salary has since January 1, 1931 been reduced to a greater extent than the above provision would reduce it, the reduction already made shall remain in effect and such salary shall not be increased by the provisions of this Act.

Further amend said Act by striking out subsection (b) of Sections One and Three and inserting in lieu thereof the following:

(b) All officers and employees receiving fees, commissions or other method of compensation shall continue to collect the same fees, commissions and other compensation as provided by law and shall pay into the County Treasury of his county all amounts in excess of amount due him under the provisions of this amendment. The State Comptroller shall have the power and authority, and it shall be his duty to prescribe records and forms necessary to be kept by county officers in connection with the collection of the amounts due the counties under the provisions of this amendment. Any officer or employee, who knowingly makes a false report required of them by the State Comptroller, shall be guilty of perjury, and shall be punished in such manner as may be provided by law. Any two or more persons conspiring together to violate any of the

provisions of this amendment, must each on conviction be fined not more than \$1,000.00, and may also be imprisoned in the county jail, or sentenced to hard labor in the county for not more than six months.

Provided further that all officers shall be entitled to deduct from said fees the amount necessary for the conduct of their respective offices, Provided, however, that the Board of County Commissioners, or other governing body shall be entitled to pass upon the reasonableness of said deductions.

Mr. Warren offered the following amendment to the amendment of Mr. Bonner, to-wit:

Amend the amendment by adding at the end of the second paragraph of subsection (a) the following words:

"provided that the reductions provided for herein shall not apply to salaries paid by educational institutions from fees and incomes of such institutions from sources other than from the State Treasury or any County Treasury of the State."

Mr. Hooton moved to lay said amendment on the table, which motion prevailed and the amendment was tabled.

Yeas, 25; nays, 3.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Bonner	Duncan	Kelley	Powell
Caffey	Edmundson	Lapsley	Scruggs
Cooper	Farmer	Lusk	Shepherd
Cowart	Faulk	McDaniel	Warren
Craft	Fletcher	Millsap	Wikle
Darden			

—25

Nays:—Messrs. Hubbard, Riddle and Warren.

— 3

The question recurred on the amendment offered by Mr. Bonner, and said amendment was adopted.

Yeas, 25; nays, 4.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Bonner	Duncan	Kelley	Scruggs
Caffey	Edmundson	Lapsley	Shepherd
Cooper	Farmer	McDaniel	Teasley
Cowart	Faulk	Millsap	Walker
Craft	Fletcher	Mullins	Wikle
Darden			

—25

Nays:—Messrs. Hooton, Lusk, Riddle and Warren

— 4

Mr. Riddle offered the following amendment to said bill to-wit:

Amend S. 48 by adding at the end of Section (d) thereof the following words: Provided however that this amendment shall not prevent the institutions and agencies of the state or counties that are operated or controlled by a board of trustees or other Board,

from raising or reducing salaries where such boards now have such authority.

On motion of Mr. Teasley, said amendment was laid on the table.

Yeas, 25; nays, 4.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Bonner	Edmundson	Lapsley	Scruggs
Caffey	Farmer	Lusk	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	Millsap	Walker
Craft	Hooton	Mullins	Wikle
Delony			

—25

Nays:—Messrs. Darden, Hubbard, Riddle, Warren

— 4

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Bonner	Duncan	Kelley	Scruggs
Caffey	Edmundson	Lapsley	Shepherd
Cooper	Farmer	Lusk	Teasley
Cowart	Faulk	McDaniel	Walker
Craft	Fletcher	Millsap	Warren
Darden	Hooton	Mullins	Wikle

—28

Nay:—Mr. Riddle

— 1

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the third legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing Report of the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the third legislative day, approved.

ADJOURNMENT

At 12:45 P. M. on motion of Mr. Craft, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, Feb. 7th, 1933 at 12: M.

FOURTH DAY

Tuesday, February 7th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

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JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walker:

S. 83. To amend Section 1508 of the Code of Alabama of 1923.
Committee on Privileges & Elections.

By Mr. Walker:

S. 84. To amend Sections 1507, (900) (2213) (24) (24) (27) (26) of the Code of Alabama.

Committee on Privileges & Elections.

By Mr. Lusk:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

Committee on Judiciary.

By Mr. Lusk:

S. 86. To amend Section 3120 of the Code of Alabama of 1923.
Committee on Finance and Taxation.

By Mr. Riddle:

S. 87. To propose an amendment to the Constitution of Alabama requiring each and every person, firm and/or corporation that

does business in Alabama and is engaged in the business of furnishing to the general public electricity, electrical energy, natural or artificial gas, telephone or telegraph service, water and transmission of water and who or which is regulated by the Public Service Commission under the laws of Alabama, to reduce the rate and price of such commodity or service twenty-five per cent. To prescribe penalties for the refusal or failure to reduce such prices and to provide that each and every purchaser of such commodity or service may refuse to pay for such commodity unless the rate charged for same includes such reduction and to provide for the forfeiture of the franchise of any person, firm or corporation in any city where such reduction is not made. To order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present special session of the Legislature, and to provide for the holding of an election by the qualified electors upon such proposed amendment.

Committee on Constitution, Constitutional Revision and
Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hooton:

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

Committee on Education.

By Mr. Hooton:

S. 89. For the repeal of Sections 7423 and 7424 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 90. To amend Section 7415 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 92. To amend Section 7416 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 93. To amend Section 3428 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 94. To amend Section 3427 of the 1923 Code of Alabama.

Committee on Revision of Laws.

By Mr. Hooton:

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama to use twenty percent

from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said Randolph County hereafter issued for the refunding of any said bonds not paid at the maturity thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

AN ACT

To authorize and empower the Court of County Commissioners of Randolph County, Alabama, to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th, 1923, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State, providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act," which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said Randolph County hereafter issued for the refunding of any said bonds not paid at the maturity thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE. That the Court of County Commissioners of Randolph County Alabama, be and hereby is authorized and empowered to use twenty percent of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any of the provisions of this Act", which is to be paid to Randolph County under the provisions of Section 83 of the Acts of the Legislature of Alabama, approved August 22nd 1923, entitled "An Act in reference to, and to further provide for the general revenue of the

State of Alabama," for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of Randolph County which are now outstanding, or for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of Randolph County hereafter issued for the purpose of refunding any of said bonds not paid at maturity.

SECTION TWO. That upon final payment of said bonds described in Section One of this Act, all funds received by Randolph County from the excise tax on gasoline or other liquid motor fuels shall be used as provided by the general laws of the State of Alabama.

SECTION THREE. That the provisions of this Act shall take effect on the first day of the month following its approval by the Governor.

Proposed local legislation for Randolph County, Alabama, to be enacted a Law at the Extraordinary session of the Legislature of the State of Alabama, called for January 31st, 1933.

AFFIDAVIT OF PUBLICATION LOCAL LEGISLATION

State of Alabama, }
Randolph County. }

Before me the undersigned authority, personally appeared Joe H. Kerr who being first duly sworn doth depose and say that he is the Editor of the "Randolph Press", a newspaper published at Wedowee, Randolph County, Alabama, at the County seat of said Randolph County, Alabama, and that the attached clipping is a part of this affidavit and a part thereof as if printed therein and that said clipping was published in the said Randolph Press without cost or expense to the State of Alabama and for four successive weeks, and on the following dates: Jan. 13, 1933, Jan. 20, 1933, Jan. 27, 1933, and Feby. 3, 1933; and that the said publication of proposed local legislation is in substance of the said local legislation.

JOE H. KERR.

Sworn to and subscribed to before me on this 6 day of February 1933.

W. A. CLARDY,

Probate Judge, Randolph County, Alabama.

By Mr. Hooton:

S. 96. For the Relief of the Court of County Commissioners of Randolph County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

AN ACT

FOR THE RELIEF OF THE COURT OF COUNTY COMMISSIONERS OF RANDOLPH COUNTY.

WHEREAS the members of the Board or Court of County Commissioners of Randolph County did for each month of the year of 1932, pay their salaries for work done in maintenance of roads, meeting with the Board of Review and meeting on their regular Court days, out of the "Gasoline Excise Tax Fund", instead of the General fund, because of the exhaustion of funds in the said General fund; and

WHEREAS Said salaries were due for actual work done, and the payment of the same out of the said Gasoline Excise Tax fund has not caused

the County of Randolph any loss of money, but to the contrary has allowed it to pay its debts without any injury to the said County, and

WHEREAS, because of the shortness in funds in the said General fund, it will be to the detriment of Randolph County to attempt to pay from the General fund, the amount of salaries heretofore paid said Commissioners out of the Gasoline Excise Tax fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That the acts of the Court of County Commissioners and each member thereof in paying their salaries out of the Gasoline Excise Tax fund, rather than out of the General fund is hereby ratified and the Court of County Commissioners and each member thereof is hereby released from all liability to the State of Alabama and to Randolph County, because of the payments of said salaries during each month of the year 1932, out of the Gasoline Excise Tax fund.

SECTION TWO. This Act shall go into effect immediately upon its passage and approval by the Governor.

Proposed local legislation for Randolph County, Alabama, to be enacted a Law at the Extraordinary session of the Legislature of the State of Alabama, called for January 31st, 1933.

AFFIDAVIT OF PUBLICATION

LOCAL LEGISLATION

State of Alabama. }
Randolph County. }

Before me the undersigned authority, personally appeared Joe H. Kerr who being first duly sworn doth depose and say that he is the Editor of the "Randolph Press," a newspaper published at Wedowee, Randolph County, Alabama, at the County seat of said Randolph County, Alabama, and that the attached clipping is a part of this affidavit and a part thereof as if printed therein and that said clipping was published in the said Randolph Press without cost or expense to the State of Alabama and for four successive weeks, and on the following dates, Jan. 13, 1933, Jan. 20, 1933, Jan. 27, 1933, and Feby. 3, 1933; and that the said publication of proposed local legislation is in substance of the said local legislation.

JOE H. KERR.

Sworn to and subscribed to before me on this 6 day of Feby. 1933.

W. A. CLARDY,
Probate Judge, Randolph County, Alabama.

By Mr. Faulk:

S. 97. To fix the compensation or salary to be paid the Tax Assessor of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Assessor of Geneva County, Alabama, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of com-

pensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

Committee on Local Legislation

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF SPECIAL LEGISLATION

Notice is hereby given that at the Extraordinary session of the Legislature of Alabama to convene January 31, 1933, I will introduce a local bill, the substance of which will be as follows:

AN ACT

To fix the compensation or salary to be paid the Tax Assessor of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Geneva county, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva county; to provide for the payment of the salary or compensation of said Tax Assessor of Geneva county, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva county, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

T. S. FAULK.

CERTIFICATE OF PUBLICATION

State of Alabama }
Geneva County }

I, W. F. McCartney, Editor and Proprietor of the Samson Ledger, a weekly newspaper published in Samson, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Jan. 5, 1933, and ending Jan. 26, 1933.

Witness my hand this 5th day of February, 1933.

W. F. McCARTNEY.

Sworn to and subscribed before me this 5th day of Feb., 1933.

REX D. ROACH,

Notary Public, Geneva County, Alabama.

(Seal)

By Mr. Lapsley:

S. 98. To amend subdivision 9 of Section 3022 of the Code of Alabama, 1923.

Committee on Finance and Taxation.

By Mr. Warren:

S. 99. To amend Section 136 of the Alabama School Code as amended by an Act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and

promulgation of the public statutes of Alabama relating to Education,' approved August 27, 1927."

Committee on Education.

By Mr. Craft:

S. 100. To provide the method of redemption of lands from tax sales made prior to and including the calendar year 1933, where lands have been sold to the State; to provide that no interest or penalties shall be charged on the amount due for which the lands were sold; to provide that, where taxes for succeeding years have accrued against any lands so sold, lands shall be valued by the Board of Review for such year or years; to allow the redemption of such lands by payment to the Probate Judge the amount due in four quarterly installments.

Committee on Finance and Taxation.

By Mr. Craft:

S. 101. To amend Section 6 of an act entitled "An act to provide for the General Revenue of the State of Alabama," approved September 15th, 1919.

Committee on Finance and Taxation.

By Mr. Craft:

S. 102. To authorize Tax Collectors, or like officers of any municipality, city or town to accept payment for ad valorem taxes in installments.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 103. To amend Section 5904 of the Code of Alabama, 1923.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edmundson:

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county

officers including the Superintendent of Education and the Board of Education, except the Sheriff, and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or subdivision of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such compensation out of the County Treasury; and to repeal the Act approved August 11, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal Census, to prescribe the method of their election, to fix the term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th, 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal.'"

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Culver:

H. 18. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that in all cases where State and County licenses are levied upon a population classification for a period of two years after the date of such consolidation the licenses levied shall be computed and based upon the population of the municipality according to the last Federal Census in which the place where such business or occupation as carried on, was located prior to such consolidation or merger, and to make legal any licenses which have been previously issued according to such population classification; and to authorize refunds of licenses heretofore issued in such municipalities, computed on a different population basis.

By Mr. Faulk (with notice and proof):

S. 74. To fix the compensation or salary to be paid the Tax Collector of Geneva County, Alabama, and to regulate the payment

of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Collector of Geneva County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

By Mr. Faulk (with notice and proof):

S. 73. To fix the compensation or salary to be paid the Judge of Probate of Geneva County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

By Mr. Craft:

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make such rules and regulations for the preservation, improvements and maintenance of forests within their respective counties, as may be necessary to comply with the terms of the Act of the Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purpose of re-forestation and the preservation of forests.

RESOLUTIONS

Mr. Scruggs offered the following Senate resolution:

S. R. 16. WHEREAS there is now pending before the Senate of the State of Alabama Senate Bill No. 19, and,

WHEREAS, the Acts of the Legislature, approved August 31, 1927 (Sub-Division 4 of Section 1, page 279 of the Acts of 1927) contains the following language:

"Power of— 3. To receive, take and hold by sale, gift, lease, devise, or otherwise, real and personal estate of every description, and to manage and dispose of the same by any form of legal conveyance or transfer, with full power and authority to borrow money and to convey by mortgage or deed of trust; to acquire, hold, purchase, receive by bequest or devise, and to convey or otherwise dispose of all such real, personal and mixed property as may be necessary or convenient for the construction, operation or maintenance of bridges and approaches thereto at crossings of the hereinafter designated streams, or for the conduct and maintenance of the business of building, constructing and maintaining the bridges hereinafter described; to borrow money, to issue notes, bonds or other negotiable paper, mortgage, pledge or otherwise transfer or convey its real, personal and mixed property to secure the payment of money borrowed, or any debt contracted."

And WHEREAS, Article XX and Article XX A of the Constitution both contain the following language:

"The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the State of Alabama—The State Highway Commission or the Highway Department shall locate, construct, and maintain highways and State trunk roads so as to connect each County seat with the County seat of the adjoining County by the most direct or most feasible route, or by a permanent road, having due regard to the public welfare, and to connect the County seats of the several border Counties at or near the State line with a public road in the border States. Provided that in Counties which are divided into two or more judicial divisions in each of which regular terms of Circuit Court are held, the places where said terms of Court are held shall likewise be connected with each other. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several Counties the expenditure of both money and labor, and the time or times of making such investment not less than one quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission by each County in the State. To create a sinking fund for the prompt, and faithful payment of the principal and interest on these bonds and for the construction, mainte-

nance and improvement of public highways, roads, and bridges, the Legislature shall, etc.,"

THEREFORE BE IT RESOLVED BY THE SENATE, that the Justices of the Supreme Court of Alabama, or a majority thereof, are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama:

1. As to whether or not said Act bestows upon the Highway Department of the State of Alabama any other, further or additional powers than those granted to it by said Article XX and/or by said Article XX A of the Constitution.

2. Whether said Act now pending grants to the said Alabama State Bridge Corporation any additional powers with reference to a lease of said property not granted to it by said Act of the Legislature approved August 31, 1927.

3. Whether or not said Act now pending grants to the Highway Department of the State of Alabama any powers or rights not conferred upon it by said Articles XX and/or Article XX A of the Constitution.

4. Whether or not said Act violates Article XX of the Constitution.

5. Whether or not said Act violates Article XX A of the Constitution.

6. Whether or not Article XX and Article XX A of the Constitution gives an unlimited power to the Highway Department to construct and maintain, or improve public roads, highways and bridges in the State of Alabama.

7. Through the power given by Article XX and/or Article XX A does it include the power to lease said bridges with or without an enabling Act of the Legislature?

Which was read and referred to the Standing Committee on Rules.

Mr. Darden offered the following Senate resolution:

S. R. 17. Whereas there are several local bills on the Senate Calendar for the day, and which will be easily disposed of;

Therefore, Be it Resolved by the Senate that when the Calendar for the day is reached, all local bills be first taken up and disposed of.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 17. Be it Resolved by the Senate that when the Calendar for the day is reached, all local bills be first taken up and disposed of.

And on motion of Mr. Powell, said report was concurred in and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 42. To prescribe the time allowed for redemption of real estate sold for taxes due for either of the years 1930, 1931, or 1932.

Was taken up.

The Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend S. B. No. 42 by striking out the words "due for either of the years 1930, 1931, or 1932," where they appear in Section 1 of said bill.

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Riddle
Beasley	Farmer	Lapsley	Scruggs
Caffey	Garrett	Lusk	Shepherd
Cooper	Goodwin	McDaniel	Teasley
Craft	Hildreth	McDowell	Walker
Darden	Hooton	Mullins	Warren
Delony	Hubbard	Powell	Wikle

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Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend the caption of Senate Bill 42 by striking the following from the caption thereof "due for either of the years 1930, 1931, or 1932."

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Powell
Bonner	Duncan	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Garrett	Lusk	Walker
Cooper	Goodwin	McDowell	Warren
Cowart	Hildreth	Millsap	Wikle
Craft			

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And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Scruggs
Bonner	Duncan	Kelley	Shepherd
Brown	Farmer	Lapsley	Teasley
Caffey	Faulk	Lusk	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

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The bill:

S. 43. To amend Act No. 231 (H. 282) approved November 9, 1932, entitled "An Act to amend an Act entitled an Act relating to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney buses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Millsap
Beasley	Farmer	Kelley	Mullins
Brown	Fletcher	Lapsley	Powell
Caffey	Garrett	Lusk	Scruggs
Craft	Goodwin	McDaniel	Warren
Darden	Hildreth	McDowell	Wikle
Delony	Hooton		

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RECESS

At 1:00 P. M., on motion of Mr. McDowell, the Senate took a recess until 3:00 o'clock this afternoon.

FOURTH DAY—AFTERNOON SESSION

Tuesday, February 7th, 1933.

The Senate re-assembled at 3 o'clock P.M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Craft:

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal Census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act and for other purposes.

Committee on Fish, Game & Forestry.

By Mr. Mullins:

S. 105. To provide for holding a convention to revise and amend the Constitution of this State.

Committee on Constitution, Constitutional
Revision and Amendments.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Duncan (with substitute):

S. 60. To regulate the sales of real estate and personal property assessed for State and/or County taxation for the year 1932

and the following years where the person assessing the property assessed both real estate and personal property for taxation when said taxes become due and are not paid.

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lusk:

S. 58. To amend Section 2385 of the Code of Alabama.

RESOLUTION

Mr. Powell offered the following joint resolution:

S. J. R. 18. Resolved by the Senate, the House Concurring, that when the two Houses adjourn today, they adjourn to convene again on Thursday, February 9th, 1933 at 10: A. M.

And on motion of Mr. Powell, the Rules were suspended and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 50. To fix the compensation or salaries and allowances to be paid to sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 110,000 people according to the last Federal Census or any such Census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis, and to regulate the payment of same, and to regulate the office of said sheriff, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction, to provide and furnish the said sheriffs with necessary quarters, books and stationery, and to provide for the payment of same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—34

The bill:

S. 21. To authorize, empower and direct the Commissioners' Court of Coosa County or any other like governing body of said

county to appropriate for the use and benefit of the public schools of Coosa County, Ala., to be used in the payment of sums now due or that may hereafter be due to the teachers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied and collected or that may hereafter be levied and collected by the State of Alabama and paid to the several counties of this State, coming to Coosa County, Alabama, from such funds under the several Acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Coosa County, Alabama, is sufficient to run the public schools of Coosa County, Alabama, including school bus transportation for a term of eight months free school; to ratify and confirm all appropriations heretofore made out of said funds by the Commissioners' Court of Coosa County, Alabama, for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Was taken up.

Mr. McDowell moved that said bill be indefinitely postponed, which motion prevailed and the bill was indefinitely postponed.

Yeas, 20; nays, 9.

Yeas:

Messrs.:

Bartlett	Duncan	Lapsley	Scruggs
Beasley	Faulk	Lusk	Shepherd
Bonner	Hildreth	McDaniel	Teasley
Craft	Hubbard	McDowell	Walker
Delony	Kelley	Powell	Wikle

—20

Nays:

Messrs.:

Caffey	Fletcher	Goodwin	Riddle
Cowart	Garrett	Hooton	Warren
Darden			

— 9

Mr. Hildreth moved to reconsider the vote by which said bill was indefinitely postponed, which motion was lost and the Senate refused to reconsider said vote.

The bill:

S. 24. To provide for a Special Election to be held in Coosa County, Ala., at all the polling places in said county, at the first Special, Primary or General Election held in Coosa County, Alabama, if held prior to the 5th day of July, 1933, and if no such election is held by the said date of July 5th, 1933, then said Special

Election provided for in this Act shall be held on the 5th day of July, 1933, to determine by the qualified electors of Coosa County, Alabama, at any date said special election is held provided for in this Act, whether or not the offices of Tax Collector and Tax Assessor of Coosa County, Alabama, shall be abolished, and the office of Tax Assessor-Collector shall be established and created in lieu of the office of Tax Assessor and Tax Collector of Coosa County, Alabama; to provide for the appointment of the Tax Assessor-Collector of Coosa County, Alabama, if a majority of the qualified electors vote affirmatively to abolish the offices of tax assessor and tax collector of Coosa County, Alabama, and to create in lieu of said offices the office of Tax Assessor-Collector, and to provide for his subsequent election by the qualified electors of the county; to define the qualifications, term of office and fix the compensation and provide the manner of paying the same, of the Tax Assessor-Collector; to define the duties, powers and obligations of the Tax Assessor-Collector; to provide for the appointment of a Deputy Tax Assessor-Collector, fix his salary and to provide for the payment of the same; to require and fix bonds for the Tax Assessor-Collector and of the Deputy Tax Assessor-Collector to require the Tax Assessor-Collector to collect and pay into the County Treasury or County Depository all commissions, penalties, and all other charges or remunerations now collected for and paid to the Tax Assessor and Tax Collector of Coosa County, Alabama, for their respective services or remunerations as such officials, as a SPECIAL FUND, and out of such SPECIAL FUND the salaries or compensations of the Tax Assessor-Collector and Deputy Tax Assessor-Collector shall be paid; to provide for the manner and to what purpose any excess of the Special Fund herein provided shall be applied, over and above the salaries of the Tax Assessor-Collector and his Deputy; to provide when the provisions of this Act shall go into effect if a majority of the qualified electors of Coosa County, Alabama, shall vote affirmatively in the Special Election herein provided for, and when the provisions of this Act shall go into effect if a majority of the qualified electors in the said Special Election shall not vote affirmatively; to provide for the appointment by the Governor of a Tax Assessor-Collector until the next general election in the event a majority of the qualified electors in the Special Election shall vote to abolish the offices of Tax Assessor and Tax Collector of Coosa County and to create in lieu of said office the Office of Tax Assessor-Collector; to provide for the subsequent election of the Tax Assessor-Collector by the qualified electors of the County; and to provide and require that the Tax Assessor-Collector shall execute a good and solvent bond in a sum equal to the amount of both bonds now required of the Tax Assessor and Tax Collector of

Coosa County, Alabama, payable and conditioned as now provided by general law; and to provide that the Tax Assessor-Collector shall discharge all duties, and be subject to all the pains and penalties, now required of the Tax Assessor and Tax Collectors of this State, now provided or that may be hereafter provided by law.

Was taken up.

Mr. Lusk moved to indefinitely postpone said bill.

Mr. Darden moved to table the motion to indefinitely postpone, which motion prevailed and said motion was laid on the table.

Yeas, 15; nays, 11.

Yeas:

Messrs.:

Cowart	Garrett	Kelley	Shepherd	
Craft	Goodwin	McDaniel	Teasley	
Darden	Hooton	Millsap	Warren	
Duncan	Hubbard	Riddle		—15

Nays:

Messrs.:

Beasley	Fletcher	Lusk	Scruggs	
Bonner	Hildreth	McDowell	Wikle	
Delony	Lapsley	Powell		—11

Said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell	
Beasley	Duncan	Kelley	Riddle	
Bonner	Farmer	Lapsley	Scruggs	
Brown	Faulk	Lusk	Shepherd	
Caffey	Fletcher	McDaniel	Teasley	
Cooper	Garrett	McDowell	Walker	
Cowart	Goodwin	Millsap	Warren	
Craft	Hildreth	Mullins	Wikle	
Darden	Hooton			—34

The bill:

S. 23. To require the Board of Review of Coosa County, Alabama, to give each tax payer of the county whose assessment for taxes are sought to be increased, written notice by registered mail, with return registration receipt requested, of the time and the place set for hearing by the said Board of Review of hearing each tax payer's assessment; and any increases made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such persons and it is made the duty of the Secretary or Clerk of the Board of Review of Coosa County, to give such registered notices.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 26. To provide for and to call a Special Election for Coosa County, Alabama, to be held at all the voting places in said county, at the next Special, Primary or General Election held in Coosa County, Ala., if one should be held before July 5th, 1933, and if not before then the Special Election herein provided for shall be held on Wednesday, July 5th, 1933, to determine by the electors of said County, whether or not the Commissioner's Court of Coosa County, Alabama shall be abolished and a County Board of Revenue created and established in lieu of the Commissioner's Court; to define the number of members on the Board of Revenue, if approved; to define their qualifications, fix their compensation; and prescribe their duties, powers and obligations; to provide for the appointment and/or election of the members of the Board of Revenue and their term of office; to make the Board of Revenue a court of record when acting in judicial capacity, and to require minutes be kept and subject to public inspection and to prohibit closed or secret sessions of the Board of Revenue; to require the Board of Revenue to buy all county supplies, in excess of fifty dollars, including books, stationery, records, road machinery, gasoline, motor oil parts for tractors or machinery, of the county, from the lowest responsible competitive bidder; to prohibit and punish any member of the Board of Revenue for employing or voting for any one related to any member of the Board of Revenue within the fourth degree by blood or marriage, to do any work for the county or to act as agent of any member of the Board of Revenue to do or to perform any act for such members; to provide that the Board of Revenue of Coosa County may appoint or elect a qualified and suitable man as County Road Superintendent who shall have control of the working and maintaining of the county public roads and bridges, to fix his salary or compensation which shall not be more than One Hundred Dollars per month with actual expenses added not to exceed Twenty-five Dollars per month; if the Board of Revenue fails or refuses to elect or appoint such Road Superintendent of County Roads for thirty days after this Act goes into effect, the Governor is empowered and directed to

make the appointment and fix his compensation; and the Board of Revenue may at any time remove such Road Superintendent on ten days' notice, with or without cause if the financial condition of the county require such removal, and the Board of Revenue or the Governor may fill such vacancy any time the Board of Revenue of Coosa County or the Governor may deem expedient and for the best interest of the county; to provide that members of the Board of Revenue shall not receive for any one month for all services rendered and mileage traveled more than Thirty-five dollars; to provide that members of the Board of Revenue and the Board of Revenue shall observe all local and general laws not in conflict with the provisions of this Act; to provide that if a majority of the electors of Coosa County, Alabama shall vote in favor of abolishing the Court of County Commissioners and establishing in lieu thereof a Board of Revenue for the County, then all the provisions of this Act shall go into effect on Jan. 1st, 1933, but if not so approved, this Act with all its provisions shall go into effect on First Monday after the Second Tuesday, in January, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the County Depository of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel, under the terms and provisions of House Bill No. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Bonner	Caffey	Cowart
Beasley	Brown	Cooper	Craft

Darden	Goodwin	McDaniel	Scruggs
Delony	Hildreth	McDowell	Shepherd
Duncan	Hooton	Millsap	Teasley
Farmer	Hubbard	Mullins	Walker
Faulk	Kelley	Powell	Warren
Fletcher	Lapsley	Riddle	Wikle
Garrett	Lusk		

—34

The bill:

S. 67. To provide for, direct and call a Special Election at all the polling or voting places in Coosa, County, Alabama, on Wednesday, July 5th, 1933, or if any Special, Primary or General Election is held in Coosa County, Alabama, prior to said July 5th, 1933, then the Special Election herein provided for shall be conducted and held on the date of such special, primary or general election, and at either date of said special election herein provided for, to determine by the qualified electors of Coosa County, Alabama, whether or not the County Board of Education of Coosa County, Alabama, shall be abolished, and a County School Board, with five members, shall be created and established in lieu of the County Board of Education; and to provide for the appointment of members of the County School Board for Coosa County, Alabama, by the Governor until the next General Election, and thereafter to be elected by the qualified electors of the county and to hold office for a term of four years from the second Tuesday after first Monday in January, after their election; to define the qualifications, duties and powers of members of the County School Board; to fix the compensation of members of the County School Board and provide the manner of paying the same; to prohibit secret or closed sessions of the Public School Board; to provide for the organization of the Public School Board and to require minutes of each meeting be written within five days after each session and to provide for the public inspection of the same; to provide that the provisions of this Act, if ratified by the electors in the Special Election provided for in this Act, shall go into effect ten days after said Special Election, and if not ratified by the qualified electors of the County in the Special Election, then all the provisions of this Act, except the Special Election Provision, shall go into effect and be operative on the second Tuesday after the first Monday in January, 1935, and members of the County School Board shall be elected at the general election in 1934 as other county officers are or may be elected; and to require the County School Board of Coosa County, Alabama, to comply with all local and general laws, not in conflict with the provisions of this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

*Yeas:***Messrs.:**

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—34

The bill:

S. 68. To relieve all citizens of Coosa County, Alabama, who are subject to work the public roads of the county, and/or of paying in lieu thereof a road tax from all legal liability for either, and to relieve all citizens of any of the municipalities of Coosa County, Alabama, who are subject to work on the streets thereof and/or to pay a street tax in lieu of such service, from any and all liability to work on the streets of said municipalities and from any and all liability of paying a street tax in lieu of such service to the said municipalities in Coosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 34; nays, 0.

*Yeas:***Messrs.:**

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—34

The bill:

S. 69. To further regulate and define the duties, obligations and responsibilities of the Commissioners' Court of Coosa County, and the Members of said Court, or other like or similar governing body of Coosa County, Alabama, and members thereof; to prohibit, and make unlawful, the Commissioners' Court, and all members thereof or other or similar governing body of Coosa County, and the members thereof, from knowingly employing, directly or indirectly, any person, related within the fourth degree, by blood or marriage, to any member of the Commissioners' Court, or member of any like or similar governing body of said county, to do or perform any act or work in which Coosa County is, directly or indirectly, interested, or knowingly employ any person so related to act as the agent of the Commissioners' Court or of any member of said court or of any other governing body, or any member there-

of, of said county to do any act or work for the county or in which the county is directly or indirectly, interested; to provide and require the Commissioners' Court, and the members thereof, or any other governing body and the members thereof, to purchase all county supplies or requirements, including books, stationery, forms, road machinery, parts therefor, gasoline and other liquid motor fuels, motor oils and greases, in sums or amounts in excess of fifty dollars, from the lowest responsible and competitive bidder, after same has been advertised for ten days by publication one insertion in some daily newspaper published in the State and by publication in each county newspaper for one time, and requiring all bids to be sealed and to be publicly opened, read and let; to fix the compensation of members of the commissioners' court and fix the manner in which same shall be paid; to direct and empower the commissioners' court of said county to employ a suitable person as Superintendent of Public Roads and Bridges of the county, to fix his salary and provide the manner of paying same, and to provide the Governor shall appoint said Superintendent of Public Roads and bridges if the Commissioners' Court, or other governing body of the county, refuses, neglects or fails to appoint one within thirty days after the passage and approval of this Act and to fix the salary of said Superintendent; to define the powers and duties of said Superintendent of Public Roads and Bridges, and to provide for his discharge for cause or for lack of sufficient funds to pay for his services; to provide penalties for the violation of the provisions of this Act; and to repeal all laws and parts of laws, local or general, in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 20. To repeal an Act approved January 17, 1927, entitled "An Act to amend Section 1530 of the Code of Alabama of 1923."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:**Messrs.:**

Bartlett	Farmer	Kelley	Scruggs
Beasley	Fletcher	Lapsley	Shepherd
Bonner	Garrett	Lusk	Teasley
Craft	Goodwin	McDowell	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton	Powell	Wikle
Duncan	Hubbard	Riddle	

—27

The bill:

S. 47. To repeal an Act approved February 20, 1931 entitled "An Act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 25; nays, 0.

Yeas:**Messrs.:**

Bartlett	Farmer	Kelley	Powell
Beasley	Fletcher	Lapsley	Scruggs
Bonner	Garrett	Lusk	Shepherd
Craft	Goodwin	McDowell	Walker
Darden	Hildreth	Millsap	Warren
Delony	Hooton	Mullins	Wikle
Duncan			

—25

The bill:

S. 17. To amend Section 373 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 1.

Yeas:**Messrs.:**

Bartlett	Farmer	Lapsley	Scruggs
Beasley	Fletcher	Lusk	Shepherd
Bonner	Garrett	McDowell	Teasley
Cowart	Goodwin	Millsap	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton	Powell	Wikle
Duncan	Kelley	Riddle	

—27

Nay:—Mr. Craft

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 18. Relative to the adjournment of the two Houses until Thursday, February 9, 1933, at ten o'clock A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Fourth Legislative Day, approved.

ADJOURNMENT

At 4:20 P. M. on motion of Mr. Powell and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, Feb. 9th, 1933, at 10 A. M.

FIFTH DAY

Tuesday, February 9th, 1933

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Pierce N. McDonald, of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Fletcher
Garrett
Goodwin
Hildreth

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap

Powell
Scruggs
Shepherd
Tasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Craft, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Goodwin, leave of absence was granted to Messrs. Faulk and Brown for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hildreth:

S. 106. To prohibit the importation or transportation into the State of Alabama on and after January 20, 1934, of goods, wares or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, (except paroled convicts or prisoners), or in any penal or reformatory institutions.

Committee on Judiciary.

By Mr. Craft:

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

Committee on Fish, Game and Forestry.

By Mr. Cowart:

S. 108. To amend a local Act of the Legislature of Alabama for Winston County approved February 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, so as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2,400.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE!

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or call session for the year 1933, for the passage of a local act for Winston County, which act is in substance as follows:

An Act

To amend a local act of the Legislature of Alabama for Winston County approved February 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, so as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2400.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Be It Enacted By the Legislature of Alabama

That Section 4 of Local Acts 1927, page 23, be amended so as to read as follows: Such County Superintendent of Education shall devote his entire time to the Public School business of Winston County, and shall receive such compensation as the County Board of Education shall fix, which shall not be less than Twelve-hundred Dollars nor more than Twenty-four Hundred Dollars annually, and shall be paid at the time and in the manner provided by the General Laws of this State for the payment of salaries of County Superintendents of Education. The County Board of Education of Winston County shall determine the amount of office help, if any, not to exceed one employee to the County Superintendent of Education of Winston County, and at a salary not to exceed Seventy-five dollars per month, the same to be paid at the time and in the manner provided by the General Laws of such State for the payment of such office help.

That all laws or parts of laws in conflict with the provisions of this Act, insofar as the same relates to Winston County, be and the same are hereby repealed, and that this Act shall be in force and effect from and after July 1, 1933, and its approval by the Governor.

Many Citizens

AFFIDAVIT

State of Alabama, }
County of Winston }

Before me, the undersigned authority, in and for the County and State, aforesaid personally appeared E. P. Lakeman, who first being duly sworn says he is the Publisher of the Advertiser Journal, a weekly newspaper published in said State and County; that the notice, a true copy of which is hereto attached, was published in the Advertiser Journal, once a week for four consecutive weeks, commencing on the 5th day of Jan. 1933.

E. P. LAKEMAN.

Sworn to before me, and signed in my presence, this 6 day of Feb. 1933.

PEARL ISRAEL,
Notary Public.

By Mr. Walker:

S. 109. To amend Schedule 52 of an Act to provide for the general revenues of the State of Alabama approved September 15, 1919.

Committee on Finance and Taxation.

By Mr. Walker:

S. 110. To amend Section 1507 (900) (2213) (24) (24) (27) (26) of the Code of Alabama.

Committee on Privileges and Elections.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lusk:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

By Mr. Darden:

S. 76. To amend Section 5076 of the 1923 Code of Alabama.

By Mr. McDaniel:

S. 72. To amend Section 2006 of the Code of Alabama of 1923.

By Mr. Mullins:

S. 81. To Amend Section 3571 of the Code of Alabama of 1923.

By Mr. Hooton:

S. 82. To amend subsection 3 of Section 7407 of the 1923 Code of Alabama.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 79. To amend Section 269 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

By Mr. Craft:

S. 100. To provide the method of redemption of lands from tax sales made prior to and including the calendar year 1933, where lands have been sold to the State; to provide that no interest or penalties shall be charged on the amount due for which the lands were sold; to provide that, where taxes for succeeding years have accrued against any lands so sold, lands shall be valued by the Board of Review for such year or years; to allow the redemption of such lands by payment to the Probate Judge the amount due in four quarterly installments."

By Mr. Powell:

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix their positions, number, term of office, election or appointment, and how elected, selected or appointed; to fix the compensation of such subordinate officers and employees, and to

provide how and when such compensation is to be paid; to provide further that the Senate or House, either or both, has or have no authority by resolution or rule to change the number or compensation of such officers or employees, and that such can be done only by Legislative enactment in the form of a Bill or Act of the Legislature; to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

By Mr. Lusk:

S. 86. To Amend Section 3120 of the Code of Alabama of 1923.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hooton (with notice and proof):

S. 96. For the Relief of the Court of County Commissioners of Randolph County.

By Mr. Faulk (with notice and proof):

S. 97. To fix the compensation or salary to be paid the Tax Assessor of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Assessor of Geneva County, Alabama, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

By Mr. Hooton (with notice and proof):

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th, 1923, entitled 'An Act imposing an excise tax on persons, corporations copartnerships, companies, agencies, or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act' which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the

Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said Randolph County hereafter issued for the refunding of any of said bonds not paid at the maturity thereof.

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hooton (with amendment):

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

Mr. McDaniel, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Garrett:

S. 27. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special, or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith; and to repeal sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683 and 684, of the Code of Alabama of 1923, and all other laws or parts of laws inconsistent with the terms of this Act.

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hooton:

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

By Mr. Warren (with amendment):

S. 99. To amend Section 136 of the Alabama School Code as amended by an act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education," approved August 27, 1927.

By Mr. Riddle (with amendment):

S. 70. To amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama", approved November 6, 1932.

ADVERSE REPORTS

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report and it was placed on the adverse calendar, to-wit: By Mr. Mullins:

S. 4. To repeal Sections 4615 to 4800, both inclusive, of the Code of Alabama of 1923, and to provide that upon a modification or repeal of any federal statute by the Congress of the United States, whereby the sale of beverages is authorized which contain an alcoholic content of a higher percentage than that now authorized by law in this State, the sale of such beverage so authorized shall become legal in the State of Alabama.

RESOLUTIONS

Mr. Garrett offered the following Joint Resolution:

S. J. R. 19. "Whereas it is the opinion of the Legislature of Alabama that the development of the United States of America's stupendous holdings at Muscle Shoals will be of colossal benefit not only to Alabama, but, either directly or indirectly, to the people of the whole nation; and,

"Whereas this gigantic property has been for more than a decade the football of republican politics; and,

"Whereas no president of the United States, since the lamented and learned Woodrow Wilson, has had the purpose to devote the wonderful power possibilities located at Muscle Shoals to the interest of the whole people to whom they belong; and,

"Whereas at last the minions of greed and selfishness typified in the republican administration at Washington have been overwhelmingly overthrown; and,

"Whereas a man whose life exemplifies his determination to make ours, in fact, a government of the people, by the people, and for the people, has been selected for our next president; and,

"Whereas he has done our state the honor of paying it a visit, before his inauguration; and,

"Whereas he has by his manner, his actions and his utterances, given us assurance that he expects to throw the full power of the great office he is soon to assume behind that of those who have all along labored to give to the people the benefit of the vast resources

of power located within the leaders of our state, at Muscle Shoals; and,

"Whereas we deeply appreciate this recognition given to our state, and this purpose to really serve our people, as well as those of adjoining states, and the nation; and,

"Whereas we desire to strengthen his announced purpose, and to let him know that our people are as a unit in their gratitude to him:

"Now therefore, be it resolved by the Senate of Alabama, the house of representatives concurring, that, through us, the thanks and appreciation of the entire population of Alabama are hereby cordially expressed to the Hon. Franklin Delano Roosevelt for his recent visit to Alabama, and for all that he did and said while here.

"Be it further resolved that the Secretary of the senate be directed to forward a copy of these resolutions to Mr. Roosevelt at his home address in New York."

And on motion of Mr. Garrett, the rules were suspended and the resolution adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 20. Be it resolved by the Senate the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, February 10th, 1933, at 10: A. M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

S. J. R. 21. WHEREAS the people of Alabama are greatly disturbed over the prices exacted in Alabama for school textbooks when compared to the prices paid in other States for the same or similar books; and,

WHEREAS there has been no reduction in the price of school textbooks in Alabama although the purchasing power of the dollar has greatly increased in the past three years, and there has been a corresponding decrease in the price of labor and materials; and,

WHEREAS the school children of Alabama are of a right entitled to purchase school books at a cost no greater than that paid by school children in other States; and,

WHEREAS the question has been constantly and generally raised throughout Alabama as to whether Alabama school children were being discriminated against in regard to the prices paid for school books; and,

WHEREAS it is highly desirable to ascertain at this time if some system for the handling of school books cannot be devised and put into use whereby the percentages and handling charges allowed the State school book Depository and its distributors may not be saved to the people of Alabama; and,

WHEREAS a full, complete, and impartial investigation of the present system of establishing the prices of school text books, and

of the school book contracts should be made to the end that the people may be fully advised in reference thereto and of their rights thereunder.

NOW, THEREFORE, Be it resolved by the Senate, the House concurring, as follows:

1. That a joint committee of the House and Senate, to be composed of four members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the President of the Senate, is hereby created, and said committee is hereby authorized and directed to make a full and complete investigation of all matters relating to school text books in Alabama.

2. That said Committee shall have the right and power to summon witnesses to appear before it for examination, and to cause books, contracts and records to be produced for its examination.

3. That said Committee shall report to the Senate and the House the results of its investigation, together with its recommendations.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

Thereupon the President of the Senate appointed as a Committee on part of the Senate: Messrs. Hildreth, Hubbard and Farmer.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 16. Requesting an opinion of the Justices of the Supreme Court of Alabama on the Constitutionality of Senate Bill 19.

Also favorably:

S. R. 8. Allowing Representative bodies such as the Committee of 500, the Economy League and other organizations to present their suggestions and recommendations to the Senate on some day other than a Legislative day.

And on motion of Mr. Powell, said report was concurred in and said resolutions, S. R. 16, and S. R. 8 each concurred in and adopted.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report with amendment, to-wit:

S. R. 12. Relative to persons allowed the privileges of the floor of the Senate.

With the following amendment:

Strike from S. R. 12 the following words "the day of its date" and add in lieu thereof the words "the week in which it is issued."

Further amend said resolution by adding thereto these words "provided, however, that wives of members of the Senate and all Committee Clerks, Senate Clerks and other employees of the State shall have access to the Senate floor at any and all times when on official business"

Further amend said Resolution by adding thereto these words "The necessary cards for said privileges shall be prepared by the Secretary of the Senate and delivered to the Chairman of the Committee and before a card is validly issued it shall be signed by the Chairman or other member of the Committee."

And on motion of Mr. Powell, said amendment was concurred in, said report concurred in and the resolution, as thus amended, concurred in and adopted.

Thereupon the Presiding Officer appointed as a Committee on the Privileges of the Floor, Messrs.: Duncan, Chairman, Scruggs, and Goodwin.

BILLS ON THIRD READING

The bill:

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff, and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or sub-division of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such com-

pensation out of the County Treasury; and to repeal the Act approved August 11th, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix the term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th, 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal'."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden			

—29

The bill:

H. 18. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that in all cases where State and County licenses are levied upon a population classification for a period of two years after the date of such consolidation the licenses levied shall be computed and based upon the population of the municipality according to the last Federal Census in which the place where such business or occupation as carried on, was located prior to such consolidation or merger, and to make legal any licenses which have been previously issued according to such population classification; and to authorize refunds of licenses heretofore issued in such municipalities, computed on a different population basis.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden			

—29

The bill:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Lapsley	Scruggs
Beasley	Duncan	Lusk	Shepherd
Caffey	Farmer	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden	Kelley	Powell	

—23

The bill:

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make such rules and regulations for the preservation, improvements and maintenances of forests within their respective counties, as may be necessary to comply with the terms of the Act of the Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purposes of reforestation and the preservation of forests.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Millsap
Beasley	Duncan	Lapsley	Powell
Bonner	Farmer	Lusk	Scruggs
Caffey	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Wikle
Darden	Hildreth		

—22

The bill:

S. 58. To amend Section 2385 of the Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
CraftDarden
Delony
Duncan
Farmer
Fletcher
Garrett
GoodwinHildreth
Kelley
Lapsley
Lusk
McDaniel
McDowell
MillsapPowell
Scruggs
Shepherd
Walker
Warren
Wikle

—27

The bill:

S. 60. To regulate the sales of real estate and personal property assessed for State and/or County taxation for the year 1932 and the following years where the person assessing the property assessed both real estate and personal property for taxation when said taxes become due and are not paid.

Was taken up.

The Standing Committee on Finance and Taxation reported the following Substitute for said bill to-wit:

Substitute for Senate Bill No. 60:

A BILL

To be entitled an Act to regulate the sale of real estate and personal property assessed for state and county taxation for the year 1932 and the following years where the person assessing the property assessed both real estate and personal property for taxation when said taxes become due and are not paid.

Be it enacted by the Legislature of Alabama:

Section 1. That in all cases in this state where the State and/or County taxes which become delinquent on January 1st, 1933, and which shall become delinquent in any year thereafter, and which have not been paid, and where the person assessing the property for taxation upon which the taxes are due assessed both real estate and personal property for taxation, it shall be the duty of the Tax Collector, in case it is necessary to sell any of the property assessed to pay taxes thereon, to collect the taxes due the State and/or any County in the State, to sell the real estate for the taxes thereon, and to sell the personal property for the taxes due thereon. Provided, however, that if there is any deficiency in either case, the Tax Collector may proceed to sell the other property whether it be real estate or personal property for the collection of such deficiency and the costs thereof.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Lapsley	Scruggs
Bonner	Duncan	Lusk	Shepherd
Caffey	Farmer	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle

—24

And said bill as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Lapsley	Scruggs
Beasley	Duncan	Lusk	Shepherd
Bonner	Farmer	McDaniel	Walker
Caffey	Garrett	McDowell	Warren
Craft	Hildreth	Powell	Wikle
Darden			

—21

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate:

By Mr. Sparks:

H. 1. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama, to be known as Article XXIV, providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary, fees, or compensation of any executive, legislative, or judicial officer of the State, or of any subdivision thereof, whether elected or appointed, during his term of office, shall be suspended until October 1, 1935; to empower the Legislature to reduce salary, fees, or compensation during the term of office of any officer, and to make effective any law, heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, on the first day of the month next succeeding the date of ratification of this amendment.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows:

ARTICLE XXIV. All provisions of the Constitution which prohibit the Legislature from reducing, decreasing, or diminishing the salary, fees, or compensation of any executive, legislative, or judicial officer, whether elected or appointed, of this State, or any sub-division thereof, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935. Until October 1, 1935, the Legislature shall have the power and authority to reduce the salary, fees, or compensation of any officer during his term of office. Any law heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, effective by its terms, after the expiration of the present term of such office, shall, by virtue hereof, be effective during the current term of the office affected from and after the first day of the month next succeeding the date of ratification of this amendment.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

ARTICLE XXIV. All provisions of the Constitution which prohibit the Legislature from reducing, decreasing, or diminishing the salary, fees, or compensation of any executive, legislative, or judicial officer, whether elected or appointed, of this State, or any sub-division thereof, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935. Until October 1, 1935, the Legislature shall have the power and authority to reduce the salary, fees, or compensation of any officer during his term of office. Any law heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office effective, by its terms, after the expiration of the present term of such office, shall by virtue hereof, be effective during the current term of the office affected from and after the first day of the month next succeeding the date of ratification of this amendment.

(Yes _____) (No _____)

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this Act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Also:

By Mr. Sanderson:

H. 52. To amend Section 9008 of the Code.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 1, to the Committee on Constitution, Constitutional Revision and Amendments.

H. 52, to the Committee on Judiciary.

(Said bill, H. 1, was read a first time at length, as required by the Constitution.)

RECESS

At 11:20 A. M., on motion of Mr. Powell, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—FIFTH DAY

Thursday, February 9th, 1933.

The Senate re-assembled at 3:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:
Bartlett
Bonner
Coward
Craft

Darden
Delony
Duncan
Garrett

Goodwin
Lusk
Scruggs

Teasley
Walker
Warren

LEAVE OF ABSENCE

On motion of Mr. Darden, leave of absence was granted Mr. Mullins for today.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Fifth Legislative Day, approved.

ADJOURNMENT

At 3:15 P. M., on motion of Mr. Craft, and in accordance with joint resolution heretofore adopted, the Senate adjourned until tomorrow morning, February 10th, 1933, at 10:00 A. M.

SIXTH DAY

Friday, February 10th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. E. M. Parkman of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap

Mullins
Powell
Riddle
Scruggs
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Craft, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hildreth:

S. 111. To amend an act approved September 27, 1932, entitled "An act to amend Section One of an act approved January 28th, 1927, and entitled, An act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Committee on Finance and Taxation.

By Mr. Hooton:

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

Committee on Judiciary.

By Mr. Mullins:

S. 113. To make an appropriation of the sum of Forty Thousand (\$40,000.00) Dollars to the Southern Industrial Institute at Camp Hill, Alabama.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Hildreth, Chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time at length and placed on the calendar, to-wit:

By Mr. Sparks:

H. 1. To propose an amendment to the Constitution of Alabama, to be known as Article XXIV, providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary, fees, or compensation of any executive, legislative, or judicial officer of the State, or of any subdivision thereof, whether elected or appointed, during his term of office, shall be suspended until October 1, 1935; to empower the Legislature to reduce salary, fees, or compensation during the term of office of any officer, and to make effective any law, heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, on the first day of the month next succeeding the date of ratification of this amendment.

The above bill was read a second time at length as required by the Constitution.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cowart (with notice and proof):

S. 108. To amend a local act of the Legislature of Alabama for Winston County approved February 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, so as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2,400.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

RESOLUTIONS

Mr. Scruggs offered the following Senate Resolutions:

S. R. 22. BE IT RESOLVED BY THE SENATE, that all Senate Bills hereafter passed by the Senate be sent to the House without engrossment where there is no amendment to the Bill in the Senate unless otherwise ordered by the Senate at the time of the third reading and passage of the bill.

And on motion of Mr. Scruggs, the Rules were suspended, the resolution put upon its immediate passage and adopted.

Mr. Hildreth offered the following Joint Resolution:

S. J. R. 23. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again at noon on Tuesday, February 14th., 1933.

And on motion of Mr. Hildreth, the rules were suspended and the Resolution adopted.

APPOINTMENT OF SPECIAL COMMITTEES

Mr. Teasley moved that a Special Committee, consisting of three from the Senate, be appointed to sit with a committee of the House to study and harmonize the provisions of the bills known as the Sparks and Teasley Amendments to the end that some agreement may be reached as to which amendment, or which of the provisions of both amendments, may be passed, which motion prevailed.

Yeas, 23; nays, 2.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cowart

Craft
Darden
Duncan
Farmer
Fletcher
Garrett

Goodwin
Hooton
Kelley
McDaniel
Millsap
Mullins

Powell
Scruggs
Teasley
Walker
Wikle

—23

Nays: Messrs. Riddle and Warren

— 2

Thereupon, the President and Presiding Officer of the Senate appointed as a Committee on part of the Senate Messrs. Teasley, Fletcher and McDaniel.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and ordered same sent forthwith to the Senate:

By Mr. Edgar:

H. J. R. 24. BE IT RESOLVED BY THE HOUSE, the Senate concurring, that on the next legislative day, a committee of five members of the House, and three from the Senate, be appointed to confer with the convict department in regard to borrowing one hundred and forty-one army cots from Kilby Prison, they to be set up in the Capitol building for accomodation of the members of the House and Senate, because of the fact the per diem of the members having been reduced so drastically, it being impossible for the members to stay at the different hotels where the boys have been forced to pay \$2.00 per day and up for a room, also three meals at fifty cents each, total \$1.50 for the day, transportation, stamps and cost of keeping our families back home, overrunning by far the small per diem now being received;

We, therefore, ask for relief for our members in this manner. We being willing to sacrifice in this way to show our good faith toward the State of Alabama. Said cots, we suggest, can be suitably arranged in the lobbies of our State building. We furthermore claim it impossible to stay at cheaper quarters like private homes or boarding houses because of too many visitors and too many phone calls.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 24, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 19. Expressing thanks of the people of Alabama, through the Legislature, to Hon. Franklin DeLano Roosevelt, for his recent visit to Alabama, and for all that he did and said while here.

Also:

S. J. R. 20. Relative to the adjournment of the two Houses until Friday, February 10, 1933, at ten o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has concurred in and adopted:

S. J. R. 21. Relative to the appointment of a joint committee to make full and complete investigation of all matters relating to school text books in Alabama.

And the Speaker of the House has named as committee on part of the House, Messrs. West, Davis of Macon, Norman, Swift and Robinson.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hildreth, the Senate concurred in the following amendment by the House to S. J. R. 21, the title of which is set out in the foregoing Message from the House, to-wit:

Amend by striking out the word "four" in line 2 and substituting in lieu thereof the word "five".

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 23. Relative to the adjournment of the two Houses until Tuesday, February 14, 1933, at 12:00, Noon.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the County Depository of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and

other motor fuel, under the terms and provisions of House Bill No. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sanderson:

H. 51. To amend Subdivision G of Section 2 of an Act entitled An Act "in reference to and to further provide for the General Revenue of the State of Alabama," Approved August 22nd, 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 51 to the Committee on Finance and Taxation.

NOTICE

Mr. Mullins gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move to take from the Adverse Calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 4. To repeal Sections 4615 to 4800, both inclusive, of the Code of Alabama of 1923, and to provide that upon a modification or repeal of any federal statute by the Congress of the United States, whereby the sale of beverages is authorized which contain an alcoholic content of a higher percentage than that now authorized by law in this State, the sale of such beverages so authorized shall become legal in the State of Alabama.

Sanford Mullins,
Senator, 10th Senatorial District."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. West (notice and proof):

H. 25. To fix the compensation or salary of the Judge of the Jefferson County Court of Common Claims, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the Judge of the Jefferson County Court of Common Claims, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Judge of the Jefferson County Court of Common Claims shall receive a salary of four thousand (\$4,000.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act, be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. West (notice and proof):

H. 26. To fix the compensation or salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama, shall receive a salary of four thousand (\$4,000.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. West (notice and proof):

H. 27. To fix the compensation or salary of the Judge of the Municipal Court of Bessemer, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the Judge of the Municipal Court of Bessemer, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Judge of the Municipal Court of Bessemer, Alabama, shall receive a salary of three thousand six hundred (\$3,600.00) dollars per annum, which said salary shall be paid out of the County Treasury

of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. West (notice and proof):

H. 28. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Probate Judge of Jefferson County, Alabama, shall receive a salary of six thousand five hundred (\$6,500.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act, be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Bir-

mingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. West (notice and proof):

H. 29. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Tax Assessor of Jefferson County, Alabama, shall receive a salary of four thousand eight hundred (\$4,800.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Morrow (notice and proof):

H. 33. To fix the compensation or salary of the County Commissioner of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the County Commissioners of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County Commissioners of Jefferson County, Alabama, shall each receive a salary of five thousand (\$5,000.00) dollars per annum, which said salary shall be paid out of the County Treasury of said County in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 9, 16, 23, 30, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. Morrow (notice and proof):

H. 34. To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama in Equity, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama in Equity, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, shall receive a salary of three thousand six hundred (\$3,600.00) dollars per annum, which said salary shall be paid out of the County Treasury of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. This act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Morrow (notice and proof):

H. 35. To further regulate the salaries of the Judges of the Tenth Judicial Circuit of Alabama, to provide for the payment of supplemental salaries in addition to the salaries now paid by the State of Alabama, to provide that such supplemental salaries shall be in lieu of all salaries now paid out of the County Treasury of Jefferson County, to regulate the payment of such supplemental salaries and to provide when this act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To further regulate the salaries of the Judges of the Tenth Judicial Circuit of Alabama, to provide for the payment of supplemental salaries in addition to the salaries now paid by the State of Alabama, to provide that such supplemental salaries shall be in lieu of all salaries now paid out of the County Treasury of Jefferson County, to regulate the payment of such supplemental salaries and to provide when this act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Judges of the Tenth Judicial Circuit of Alabama shall each receive in addition to the salary now paid to such Judges out of the State Treasury of Alabama the further sum of one thousand five hundred (\$1,500.00) dollars per annum, which said sum of one thousand five hundred (\$1,500.00) dollars shall be in lieu of all salaries now paid to said Judges out of the County Treasury of Jefferson County, Alabama, and shall be paid in equal monthly installments out of the County Treasury of Jefferson County, Alabama.

Sec. 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect on the first day of the next term of office of the Judges of said circuit, beginning after the approval of this act.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. Morrow (notice and proof):

H. 36. To fix the compensation or salary of the Commissioner of Licenses of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the Commissioner of Licenses of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Commissioner of Licenses of Jefferson County, Alabama, shall receive a salary of four thousand (\$4,000.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act, be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. Bradford (of Jefferson) (notice and proof):

H. 38. To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Sheriff of Jefferson County, Alabama, shall receive a salary of six thousand five hundred (\$6,500.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Bradford (of Jefferson) (notice and proof):

H. 39. To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Tax Collector of Jefferson County, Alabama, shall receive a salary of four thousand eight hundred (\$4,800.00) dollars per annum, which said salary shall be paid out of the County Treasury of said county in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws, general, local or special, in conflict with this act, be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the

advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Green (notice and proof):

H. 40. To fix the compensation or salary of the Judges of the Municipal Court of Birmingham, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the Judges of the Municipal Court of Birmingham, Alabama, and to regulate the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Judges of the Municipal Court of Birmingham, Alabama, shall each receive a salary of four thousand (\$4,000.00) dollars per annum, which said salary shall be paid out of the County Treasury of Jefferson County in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Sec. 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall go into effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Granade (notice and proof):

H. 72. To reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

**A BILL
TO BE ENTITLED**

AN ACT to reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when this Act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Judge of the Inferior Criminal Court in Mobile County be and the same is hereby reduced to and fixed at \$3300.00 per annum, payable in twelve equal monthly installments out of the Treasury of Mobile County.

Section 2. This Act shall go into effect immediately unless said salary is prohibited from being reduced during this term of office of the present Judge by Section 150 and 281 or any other section of the Constitution. This Act shall, however, apply to any such Judge upon the expiration of the present term of office.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public, in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn to and subscribed before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN
Notary Public, Mobile County, Alabama.

Also:

By Mr. Granade (notice and proof):

H. 73. To prohibit the governing body of the County of Mobile and the Treasurer thereof from paying any money to the Recorder of any City in said County for ex-officio services rendered by him in the trial of cases in the Recorder's Court, and to provide the time when this act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

**A BILL
TO BE ENTITLED**

AN ACT to prohibit the governing body of the County of Mobile and the Treasurer thereof from paying any money to the Recorder of any City in said County for ex-officio services rendered by him in the trial of cases

in the Recorder's Court, and to provide the time when this act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That the governing body of the County of Mobile and the Treasurer thereof be and are hereby prohibited from paying the Recorder of any City or Town in said County any money for ex-officio services rendered by him in the trial of cases in the Recorder's Court.

Section 2. This act shall take effect immediately.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Granade (notice and proof):

H. 76. To reduce and fix the salaries of the circuit court bailiffs in the circuit court of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to reduce and fix the salaries of the circuit court bailiffs in the circuit court of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salaries of each of the circuit court bailiffs in the Circuit Court of Mobile County be and the same are hereby fixed and reduced to \$1800.00 per annum payable in twelve equal monthly installments out of the treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Granade (notice and proof):

H. 78. To reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

**A BILL
TO BE ENTITLED**

AN ACT to reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County be and the same is hereby reduced to and fixed at \$1,200.00 per year, payable in twelve equal monthly installments out of the Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Granade (notice and proof):

H. 80. To reduce and fix the salary of the clerk to the Jury Board of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

**A BILL
TO BE ENTITLED**

AN ACT to reduce and fix the salary of the clerk to the Jury Board of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Clerk of the Jury Board of Mobile County be and the same is hereby reduced and fixed at \$900.00 per annum payable in twelve equal monthly installments out of the county treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 92. To reduce and fix the salary of the Clerk of the Bureau of Identification of Mobile County, and to provide that one-half of said salary be paid by the County of Mobile and one-half by the City of Mobile.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to reduce and fix the salary of the Clerk of the Bureau of Identification of Mobile County, and to provide that one-half of said salary be paid by the County of Mobile and one-half by the City of Mobile.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Clerk of the Bureau of Identification of Mobile County be and the same is hereby reduced to and fixed at \$1800.00 per year.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 94. To prohibit the Board of School Commissioners of Mobile County from employing any legal advisor or attorney at the

expense of said Commission or payable out of the funds of said Commission.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to prohibit the Board of School Commissioners of Mobile County from employing any legal advisor or attorney at the expense of said Commission or payable out of the funds of said Commission.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of School Commissioners of Mobile County are hereby prohibited from employing any legal advisor or attorney at the expense of said Commission or payable out of the funds of said Commission.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 97. To reduce and fix the salary of the Humane Officer of Mobile County, and to provide for the payment of one-half of said salary by the County of Mobile and one-half by the City of Mobile, and to prohibit the County of Mobile or the city of Mobile from paying any expense or furnishing any automobile for said Humane Officer.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to reduce and fix the salary of the Humane Officer of Mobile County; and to provide for the payment of one-half of said salary by the County of Mobile and one-half by the City of Mobile.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Humane Officer of Mobile County be

and the same is hereby reduced to and fixed at \$1,500.00 per annum, payable in twelve equal monthly installments.

Section 2. One-half of said salary shall be payable out of the Treasury of Mobile County, and one-half of said salary shall be paid by the City of Mobile.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 98. To fix the compensation of members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of said County; and to provide for the payment of such compensation; and to repeal all laws in conflict herewith; and to provide when this act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to fix the compensation of members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of said County; and to provide for the payment of such compensation; and to repeal all laws in conflict herewith; and to provide when this act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That the compensation of the members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of Mobile County be and the same is hereby fixed at Fifty (\$50.00) Dollars per annum for each member of such Board.

Section 2. That the compensation herein fixed shall be payable out of the Treasury of Mobile County in addition to the salary now received by said members as members of the Board of Revenue and Road Commissioners of Mobile County.

Section 3. That all laws or parts of laws, general, local or special in conflict with the provisions of this act be and the same are hereby repealed.

Section 4. This act shall take effect immediately.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 100. To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of School Commissioners of Mobile County are hereby required to permit each and every teacher in the public schools of Mobile County to be absent from his or her duties for not more than ten days during each school year without loss of pay.

Section 2. In order to secure the advantages of this Act each teacher shall be required to file a certificate with the Board of School Commissioners stating that he or she was ill and unable to attend to his or her duties during the time he or she was so absent from his or her school duties.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 101. To require the assistant solicitors in Mobile County in addition to their other duties to advise and represent in a legal capacity the Board of Revenue and Road Commissioners, the County Treasurer, The Board of School Commissioners and all other agencies of the County of Mobile, and they shall receive no extra compensation for said work.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to require the assistant solicitors in Mobile County in addition to their other duties to advise and represent in a legal capacity the Board of Revenue and Road Commissioners, the County Treasurer, the Board of School Commissioners and all other agencies of the County of Mobile, and they shall receive no extra compensation for said work.

Be it enacted by the Legislature of Alabama:

Section 1. That the assistant solicitors in Mobile County in addition to their other duties be and they are hereby required to advise and represent in a legal capacity, the Board of Revenue and Road Commissioners, the County Treasurer and the Board of School Commissioners and all other agencies of the County of Mobile.

Section 2. Said assistant solicitors shall receive no extra compensation for said work.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 102. To prohibit the Board of Revenue and Road Commissioners of Mobile County, the Treasurer of Mobile County and all other agencies of Mobile County from employing any legal advisor or attorney at the expense of the County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to prohibit the Board of Revenue and Road Commissioners of Mobile County, the Treasurer of Mobile County and all other agencies Mobile County from employing any legal advisor or attorney at the expense of the County.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue and Road Commissioners of Mobile County, the Treasurer of Mobile County, and all other agencies of the County of Mobile be and the same are hereby prohibited from employing any legal advisor or attorney at the expense of the County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. McDonald (with notice and proof):

H. 44. To ratify, heal and cure an Act of the Legislature of Alabama approved February 17, 1931, and entitled: "An Act To provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next meeting of the Legislature of Alabama, in 1933, a Bill will be introduced for passage, which is in substance as follows.

A BILL TO BE ENTITLED
AN ACT

To ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled: "An Act To provide for the election of a County superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office.

WHEREAS, the Legislature of Alabama of 1931, passed an Act, entitled—"An Act to provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" approved February 17, 1931, (Local Acts of Legislature of Alabama, 1931, pages 7-9) and;

WHEREAS, under and by virtue and in pursuance of said Act of the Legislature there was elected at the general election held on November 8, 1932, a Superintendent of Education, in and for Lauderdale County, Alabama, viz; Homer E. Williams, and;

WHEREAS, it was stipulated and provided in Section 2 of said Act that the term of office of said County Superintendent of Education shall begin in 1933; and;

WHEREAS, it appears that the County Board of Education of Lauderdale County, Alabama, in 1930, elected a County Superintendent of Education for Lauderdale County, Alabama, for the term of four years, his term expiring July 1, 1934. Now, therefore,

Be it Enacted by the Legislature of Alabama:

Section One: That the Act of the Legislature of Alabama entitled: "An Act To provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office," approved February 17, 1931, (Local Acts of Legislature of Alabama, 1931, pages 7-9) be and the same is hereby ratified and that the election held under and in accordance with the provisions of the said Act and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County, Alabama, at such election be and the same is hereby validated, actualized, and confirmed.

Section Two. That Homer E. Williams, the successful candidate at said election, be, and he is hereby designated and appointed the County Superintendent of Education of Lauderdale County, Alabama, for the term of three years from the first day of July, 1934, and until a successor is elected and qualified. At the general election to be held in 1936, a successor in office shall be elected, and thereafter the Superintendent of Education for Lauderdale County shall be elected every four years, and hold office for a term of four years from the first day of July, next succeeding such election, and

until his successor is elected and qualified, and nomination for this office may be made in primary elections as other County Officers.

Section 3. That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Lauderdale County, Alabama, which salary shall not be less than \$2,000.00 nor more than \$3,000.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama, for the payment of County Superintendents of Education in the several counties of the State.

Section 4. That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as are now or may be hereafter provided by the general school laws of the State of Alabama, in the conduct of the office of County Superintendent of Education; and no person shall be eligible for political party nomination or for election to the office of County Superintendent of Education of Lauderdale County who does not hold an Alabama Certificate in administration and supervision based as a minimum upon graduation from a standard Normal Teachers College, or equivalent education and proof of three years of successful teaching experience and such other qualifications as may be provided by the general school laws of the State. Provided, however, that if no person meeting these requirements qualifies for election as provided in this Act the County Board of Education shall appoint a Superintendent of Education as provided by the general law regulating the appointment of Superintendents; and provided that no person shall be eligible to qualify or be elected to the office of County Superintendent of Education of said County who is not a qualified elector of the State of Alabama at the time of the nomination and election to such office and who does not procure from the Superintendent of Education of the State of Alabama a certificate that he possesses the qualifications prescribed by this Act.

Section 5. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the County Board of Education, and the person so appointed shall hold office until the next general election thereafter, when his successor shall be elected; that should any County Superintendent be removed for cause by the County Board of Education, such vacancy shall be filled by appointment of the State Superintendent of Education, and his appointee shall hold office as in the case provided by appointment of the County Board of Education. Provided that the County Board of Education may remove the County Superintendent for immorality, misconduct in office, incompetency or willful neglect of duty, any of which causes must be alleged and proved and the County Superintendent shall have the right to be heard in his defense and all such hearings shall be conducted as in cases provided under the general laws for the impeachment of County Officers.

Section 6. That the duties and powers prescribed by the general laws of the State of Alabama for the office of County Superintendent in the supervision of the schools of the several counties shall apply to and be incumbent upon the County Superintendent. The County Superintendent elected or appointed under the provisions of this Act, and before entering upon the duties of said office, must take the oath of office prescribed by the constitution, and give bond in an amount fixed by the State Board of Education in a reputable surety company authorized to do business in the State of Alabama, conditioned upon the faithful performance of the duties of his office, and for the accounting and paying over to the proper authority of all moneys coming into his hands.

Section 7. That if any part of this Act shall be declared unconstitutional it shall not affect the other provisions herein contained.

Section 8. That all laws and parts of laws in conflict with the provisions of this Act be and they are hereby repealed.

S. E. McDONALD.

The State of Alabama }
Lauderdale County }

Before me, Merwin T. Koonce, a Notary Public in and for the County and state aforesaid, personally appeared A. Bellanger, who being by me duly sworn, deposes and says as follows:

My name is A. Bellanger. I am the editor and publisher of the Florence Tribune, a newspaper published in Florence, Lauderdale County, Alabama. That notice of a proposed law entitled "An Act To ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled "An Act To provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties and to provide for his successor in office" was published for four consecutive weeks in the issues of said newspaper on to wit: January 5, 12, 19 and 26, 1933, which notice as published in full is hereto attached, incorporated in and made a part of this affidavit.

A. BELLANGER.

Subscribed and sworn to before me this 27 day of January, 1933.

MERWIN T. KOONCE,

Notary Public, Lauderdale County, Alabama.

My com. expires Feb. 16, 1935.

(Seal)

By Mr. Tate:

H. 31. To amend Section 2 of an Act entitled an Act "To Provide that all Counties in this State having a population of three-hundred-thousand or more according to the last or any subsequent Federal Census that the work of the Probation of Convicts shall be declared a County purpose, that the Board of Revenue, County Commission or other governing or like governing bodies of such Counties shall be authorized to expend county funds for such purpose and to further provide that such governing bodies in all such Counties shall have the power to appoint Probation officers and to fix their compensation and to pay the same out of County funds". Approved November 2, 1932.

Also:

By Mr. Granade:

H. 69. To repeal an act of the Legislature of Alabama approved February 10th, 1927 entitled "An Act to change the amount, or fix the amount, of the salary or compensation of the County Treasurers of any counties in the State, having a population of not less than ninety thousand, nor more than one hundred and eighty thousand, according to the last, or to any succeeding Federal census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this act."

Also:

By Mr. Granade:

H. 71. To amend Section Three of an act of the Legislature of Alabama passed over the Governor's veto June 16th, 1931, entitled "An Act to provide for a Deputy County Treasurer in each County

of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond and compensation of such Deputy County Treasurers," so as to reduce the compensation of said official to \$1500.00 per year.

Also:

By Mr. Sossaman:

H. 106. To repeal an act of the Legislature of Alabama approved August 27th, 1927, entitled "An Act to authorize cities having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants, according to the last or any subsequent Federal census, to fix and collect licenses for business done within the police jurisdiction of such city but outside of the corporate limits thereof.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

House bills 25, 26, 27, 28, 29, 33, 34, 35, 36, 38, 39, 40 and 31, to the Committee on Banking and Insurance.

House bills 72, 76, 78, 80, 92, 94, 97, 98, 100, 101, 102, 44, 69, 71, 106 and 73, to the Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix their positions, number, term of office, election or appointment, and how elected, selected or appointed; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation is to be paid; to provide further that the Senate or House, either or both, has or have no authority by resolution or rule to change the number or compensation of such officers or employees, and that such can be done only by Legislative enactment in the form of a Bill or Act of the Legislature; to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

Was taken up.

Mr. Powell offered the following substitute for said bill to-wit:
Substitute for S. 75:

A BILL

To be entitled An Act to provide for the subordinate officers and employees of the Legislature including the Senate and House of Representatives; to fix the number, their positions, terms of office or employment, election or appointment, and how elected, selected or appointed; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation is to be paid; to provide further that the Senate or House, either or both, has or have no authority by resolution or rule to change the number or compensation of such officers or employees, and that such can be done only by Legislative enactment in the form of a Bill or Act of the Legislature; to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The subordinate officers of the Legislature shall consist of a Secretary, Assistant Secretary, Second Assistant Secretary, Reading Clerk, Chief Clerk, Enrolling-Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, for the Senate; a Clerk, Assistant Clerk, Second Assistant Clerk, Chief Clerk, Reading Clerk, Enrolling-Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, for the House or Representatives. The Secretary, Assistant Secretary, Enrolling-Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, for the Senate; the Clerk of the House, Assistant Clerk, Enrolling-Engrossing Clerk, and Doorkeeper, and Assistant Doorkeeper, for the House of Representatives; shall each be elected by each House, respectively, at the beginning of each regular session of the Legislature, or at such other times as may be necessary, who shall hold their offices until the close of the session, except the Secretary of the Senate and the Clerk of the House of Representatives, who shall hold their offices until their successors are qualified; and may be removed for cause by each House, respectively. The Assistants named above for the Senate shall be under the control and direction of the Secretary of the Senate, and the assistants named above for the House shall be under the control and direction of the Clerk of the House. On and after the second Tuesday in January, 1935, the positions of Engrossing-Clerk and Comparing Clerk in the Senate, and the position of Engrossing Clerk in the House, as now fixed by law, shall be, and the same are hereby abolished, and the Enrolling-Engrossing Clerks herein above provided for the Senate and House of Representatives, respectively, shall perform the duties heretofore required of the Enrolling Clerk, Engrossing Clerk and Comparing Clerk in the Senate, and the duties heretofore required of the Enrolling Clerk and the Engrossing Clerk in the House, respectively.

Section 2. The Secretary, Assistant Secretary, Second Assistant Secretary, for the Senate, and the Clerk, Assistant Clerk and

Reading Clerk, for the House of Representatives shall each receive not exceeding Ten Dollars per day; the Reading Clerk and Chief Clerk for the Senate, and the Second Assistant Clerk and Chief Clerk for the House of Representatives shall each receive not exceeding Eight Dollars per day. The said salaries as above specified, or otherwise herein where not definitely fixed, may be fixed by resolution of either House or Senate in an amount not to exceed the amount herein specified for such office. The Assistant Secretary of the Senate, and the Assistant Clerk of the House, in addition to their regular duties, shall keep a register of all bills, resolutions, and memorials, that may be introduced by the members of their respective Houses, showing the title of each bill, resolution and memorial, and the time when and by whom introduced, the date of their several readings, and, if referred, to what committee, and the final disposition thereof.

SECTION 3. The Enrolling-Engrossing Clerk of the Senate, and the Enrolling-Engrossing Clerk of the House, shall each receive not exceeding Six Dollars per day; the Doorkeeper and Assistant Doorkeeper of each House, shall each receive not exceeding Four and one-half Dollars per day. The Doorkeeper of each House shall be charged with the duty of Sergeant-At-Arms and shall keep order in the lobby and in the galleries.

SECTION 4. The subordinate employees of the Senate shall consist of Assistants to the Secretary, not to exceed sixteen (16) in number at any one time, to be appointed by the Secretary of the Senate; assistants to the Enrolling-Engrossing Clerk of the Senate, not to exceed four (4) in number at any one time, to be appointed by the Enrolling-Engrossing Clerk of the Senate; committee clerks not to exceed ten (10) in number at any one time, to be selected or appointed as hereinafter provided; four (4) pages, and two (2) messengers, to be selected or elected as may be provided by resolution of the Senate; two (2) servants and one (1) Doorkeeper of the gallery, to be appointed by the presiding officer of the Senate. The subordinate employees of the House of Representatives shall consist of clerical assistants to the Clerk of the House, not to exceed twenty (20) in number at any one time, to be appointed by the Clerk of the House, with the approval of the Speaker of the House; clerical assistants to the Enrolling-Engrossing Clerk of the House, not to exceed twenty (20) in number at any one time, to be appointed by the Enrolling-Engrossing Clerk, with the approval of the Speaker of the House; committee clerks not to exceed fifteen (15) in number at any one time, to be selected or appointed as hereinafter provided; six pages (6), four (4) messengers, two (2) servants, and one (1) Doorkeeper of the gallery, to be appointed by the Speaker of the House.

SECTION 5. The pages and messengers of the Senate and House shall possess such qualifications as may be prescribed by the rules of the respective Houses, and such positions may be filled by persons under fourteen years of age. Of the ten (10) committee clerks provided for in the Senate, four (4) shall be competent stenographers who shall be appointed by the presiding officer of the Senate, and who shall be deemed Senate clerks, and who shall be subject to call by any member, in the performance of his official duties, to perform such clerical service as may be required of them by such member; six (6) of said clerks shall be named by the Chairman of the particular committee provided with a clerk, and the presiding officer of the Senate, when making appointments of committees, shall designate the committees to which said six (6) clerks shall be assigned; provided, however, he may require the said six (6) clerks to serve other committees or perform other services. Of the fifteen (15) committee clerks herein provided for the House of Representatives, six (6) shall be competent stenographers who shall be appointed by the Speaker of the House, and who shall be subject to call by any member of the House, in the performance of his official duties, to perform such clerical service as may be required of them by such member; nine (9) of said clerks shall be named by the Chairman of the particular committee provided with a clerk, and the Speaker of the House, in making appointments of committees, shall designate the committees to which said nine (9) clerks shall be assigned; provided, however, he may require the said nine (9) clerks to serve other committees or perform other services.

SECTION 6. The Second Assistant Secretary, Reading Clerk, and Chief Clerk, herein provided for the Senate, shall be appointed by the Secretary of the Senate, who may be by him removed at any time, for cause. The Reading Clerk, herein provided for the House of Representatives, shall be appointed by the Speaker of the House, who may be by him removed at any time, for cause. The Second Assistant Clerk and the Chief Clerk, herein provided for the House, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House, who may be removed by the Clerk at any time, for cause. All subordinate officers or employees for the Senate herein provided for, whose appointment or election are not provided for, shall be appointed by the presiding officer of the Senate. All subordinate officers or employees for the House herein provided for, whose appointment or election are not provided for, shall be appointed by the Speaker of the House.

SECTION 7. All subordinate officers and employees of the Senate and of the House of Representatives, whether elected or appointed, shall hold office at the pleasure of the Senate and

House, respectively, and may be removed at any time for cause. The employment and compensation of said subordinate officers and employees shall not extend beyond the Session of the Legislature, except for such additional time as is necessary to enable the Secretary of the Senate and the Clerk of the House, with such assistants as may be allowed them, to compare and complete the Journals, and file the same in the Office of the Secretary of State, as now or hereafter designated and required by law. The said Secretary of the Senate and the Clerk of the House, shall hold office until their successors are qualified, but their compensation as herein fixed, shall cease with the Session of the Legislature, and with the termination of their duties in connection with the said Legislature. Provided, however, that after the final adjournment of a Legislative Session, and after the expiration of the time allowed the Secretary of the Senate and the Clerk of the House to compare and complete the Journals and file same, as stated above, then the continued employment and compensation of said Secretary of the Senate and said Clerk of the House shall be controlled by the provisions of the Budget Financial Control Act as passed during the Special Session of 1932, or such other Act or law as may be passed, from time to time, regulating, controlling, and providing for the said employment and compensation of said Secretary and said Clerk after the expiration of their duties in connection with a Legislative Session.

Section 8. The compensation of all clerks herein authorized and designated, whether committee clerks, stenographers, clerical assistants, typists, register clerks, or otherwise, in the Senate and House of Representatives, except those provided for in Section 1 hereof, shall be and is hereby fixed at Four Dollars per day, said compensation to be paid for the time for which said clerks are actually employed. The compensation due the officers and employees herein above named, shall be certified by the presiding officers of the respective Houses, attested by the Secretary or Clerk, as the case may be, to the State Auditor or State Comptroller, or other duly authorized person, who shall issue his warrant therefor.

Section 9. From and after the passage and approval of this Act, the number and compensation of the subordinate officers and employees of the Legislature, as herein provided, shall not be increased or changed, except by Legislative enactment as required by the Constitution and Laws of Alabama. Neither House shall have the power or authority by resolution, except as above stated, to add to the number or compensation of such officers or employees.

Section 10. That the Act entitled An Act "To amend Section 1530 of the Code of Alabama of 1923," Approved January 27, 1927, be and the same is hereby repealed.

Section 11. All of the provisions of this Act shall become effective immediately upon approval by the Governor, except as to the positions of Engrossing Clerk in the House and the Senate and Comparing Clerk in the Senate, which said positions shall remain as now fixed by law until the beginning of the next regular session of the Legislature in January, 1935.

Section 12. All laws, and parts of laws in conflict with the provisions of this Act, except as referred to in the preceding Section shall be, and the same are hereby expressly repealed.

Section 13. Be it further enacted that the Senate or House, either by separate resolution, or by joint resolution may provide for such additional time as may be considered necessary to enable the Secretary of the Senate and the Clerk of the House to compare and complete the Journals and file same in the office of the Secretary of State or such other place as required by law. Provided, however, that the said time shall not exceed six weeks, and the assistants allowed said Secretary and said Clerk each shall not exceed nine in either House or Senate at any one time, in addition to the said Secretary and the said Clerk.

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend substitute by Mr. Powell for S. 75 by striking therefrom section 11 as now written, and by adding in lieu thereof the following:

"Section 11. This Act shall go into effect thirty days after the final adjournment of the present extraordinary session, except as to the engrossing clerks of the House and Senate, and as to the comparing clerks of the Senate, which positions remain as now fixed by law until Jan. 1, 1935."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Farmer	Kelley	Scruggs
Caffey	Faulk	Lusk	Walker
Cowart	Fletcher	McDaniel	Warren
Craft	Garrett	Millsap	Wikle
Darden	Goodwin	Mullins	

—27

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bonner
Caffey
Coward
Darden
Delony
Duncan
Farmer

Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lusk
McDaniel
Millsap
Mullins

Powell
Riddle
Scruggs
Walker
Warren
Wikle

—25

The bill:

S. 74. To fix the compensation or salary to be paid the Tax Collector of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Collector of Geneva County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap

Mullins
Powell
Riddle
Scruggs
Teasley
Walker
Warren
Wikle

—32

The bill:

S. 73. To fix the compensation or salary to be paid the Judge of Probate of Geneva County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to pro-

vide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap

Mullins
Powell
Riddle
Scruggs
Teasley
Walker
Warren
Wikle

—32

The bill:

S. 97. To fix the compensation or salary to be paid the Tax Assessor of Geneva County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Geneva County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Geneva County; to provide for the payment of the salary or compensation of said Tax Assessor of Geneva County, Alabama, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Geneva County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap

Mullins
Powell
Riddle
Scruggs
Teasley
Walker
Warren
Wikle

—32

The bill:

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama, to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th, 1923, entitled "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama" for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said Randolph County hereafter issued for the refunding of any of said bonds not paid at the maturity thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	Lusk	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	Millsap	Wikle

—32

The bill:

S. 96. For the relief of the Court of County Commissioners of Randolph County.

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	Lusk	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	Millsap	Wikle

—32

The bill:

S. 72. To amend Section 2006 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Caffey

Craft

Darden

Delony

Farmer

Fletcher

Garrett

Goodwin

Hildreth

Hooton

Lusk

McDaniel

Mullins

Scruggs

Walker

Warren

Wikle

—20

The bill:

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Caffey

Craft

Darden

Delony

Farmer

Fletcher

Garrett

Goodwin

Hildreth

Hooton

Lusk

Mullins

Powell

Scruggs

Teasley

Walker

Warren

Wikle

—21

The bill:

S. 57. "To provide that preference shall be given to supplies, commodities, materials and provisions produced and manufactured and grown in the State of Alabama, in the purchase of supplies, commodities, materials and provisions by all state institutions, counties, municipalities and school districts, where such supplies, commodities, materials and provisions are of approximately equal quality with those that are produced or manufactured outside of the State of Alabama.

Was taken up.

The following amendment offered by the Standing Committee on Finance and Taxation, to-wit:

Amend Section 1 of said bill by striking out all of said Section after the word "State" in line 8.

Was laid on the table.

Mr. Scruggs offered the following substitute for said bill, to-wit:

Substitute for S. 57 so as to read as follows:

A BILL,

To be entitled An Act "To provide that preference shall be given to supplies, commodities, materials and provisions produced, manufactured or grown in the State of Alabama, in the purchase

of supplies, commodities, materials and provisions by the State, all state institutions, counties, municipalities and school districts, where such supplies, commodities, materials and provisions are equal or substantially equal in price and quality to those produced or manufactured outside the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this act the State and every Board, Commission, or other governing body of any state institution and every person acting as purchasing agent for the State or such Board, Commission or other governing body of any state institution and every county, municipality and school district shall prefer in all purchases for supplies, commodities, materials and provisions to be used in the maintenance and for the upkeep of their respective institutions, or for other respective needs, supplies, commodities, materials and provisions, produced, manufactured or grown in this State; Provided, however, that such preferred supplies, commodities, materials and provisions are available and may be purchased in like quantity and quality, and at and for the same or substantially the same price as supplies, commodities, materials and provisions offered or available in competition therewith produced or manufactured outside the State of Alabama.

Section 2. That all requests for bids and proposals for materials, Commodities, supplies and provisions for the construction, maintenance, and upkeep of every state, county, municipal or school district, institution, or for other respective needs shall contain the words "quality and price being equal, preference will be given to materials, commodities supplies and provisions produced, manufactured, or grown in Alabama."

Section 3. All highways, bridges, public buildings, courthouses, public school buildings, public monuments and other public structures and improvements hereafter constructed in this state shall be constructed of and maintained by materials produced, or manufactured in Alabama; Provided, that Alabama materials of equal or substantially equal quality and price may be purchased therefor.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Craft

Darden
Delony
Farmer
Faulk
Fletcher
Goodwin

Hildreth
Hooton
Hubbard
Kelley
Lusk
Millsap

Mullins
Scrrggs
Walker
Warren
Wikle

—23

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Craft
DardenDelony
Farmer
Faulk
Garrett
Goodwin
HildrethHooton
Kelley
Lusk
McDaniel
MillsapMullins
Scruggs
Walker
Warren
Wikle

—22

The bill:

S. 27. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special, or Municipal election in this State while absent from the State or from the county in which they are qualified electors; to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith; and to repeal sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683, and 684, of the Code of Alabama of 1923, and all other laws or parts of laws inconsistent with the terms of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cowart
Craft
DardenDelony
Duncan
Faulk
Fletcher
Garrett
GoodwinHildreth
Hooton
Hubbard
Lusk
McDaniel
MillsapMullins
Powell
Scruggs
Teasley
Warren
Wikle

—25

The bill:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Craft
DardenDelony
Duncan
Faulk
Fletcher
GoodwinHildreth
Hooton
Hubbard
Lusk
MillsapMullins
Scruggs
Walker
Warren
Wikle

—21

The bill:

S. 76. To amend Section 5076 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Mullins
Bonner	Duncan	Hildreth	Scruggs
Brown	Farmer	Hooton	Walker
Caffey	Faulk	Hubbard	Warren
Craft	Garrett	Lusk	Wikle
Darden			

—21

The bill:

S. 82. To amend subsection 3 of Section 7407 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	Scruggs
Beasley	Darden	Hooton	Teasley
Bonner	Delony	Hubbard	Walker
Brown	Duncan	Millsap	Warren
Caffey	Garrett	Mullins	Wikle

—20

The bill:

S. 79. To amend Section 269 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Scruggs
Beasley	Duncan	Hooton	Teasley
Bonner	Farmer	Hubbard	Walker
Brown	Faulk	Lusk	Warren
Craft	Garrett	McDaniel	Wikle
Darden	Goodwin	Mullins	

—23

The bill:

S. 86. To amend Section 3120 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Riddle
Beasley	Farmer	Lusk	Scruggs
Craft	Faulk	Millsap	Warren
Darden	Goodwin	Mullins	Wikle
Delony	Hooton		

—18

The bill:

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to said bill, to-wit:

Amend Senate Bill #91 by adding thereto the words "Bona Fide" immediately preceding the word resident wherever it occurs in said bill.

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Lusk
Beasley	Duncan	Hooton	Mullins
Brown	Farmer	Hubbard	Scruggs
Craft	Faulk	Kelley	Warren
Darden	Goodwin		

—18

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

• Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Riddle
Beasley	Farmer	Hubbard	Scruggs
Brown	Garrett	Kelley	Walker
Craft	Goodwin	McDaniel	Warren
Darden	Hildreth	Mullins	

—19

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and concurred in and the Journal of the Senate for the Sixth Legislative Day, approved.

ADJOURNMENT

At 12:05 P. M., on motion of Mr. Mullins, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, February 14th, 1933, at 12:00 M.

SEVENTH DAY

Tuesday, February 14th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. T. C. Cassiday, of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

JOURNAL

On motion of Mr. Lusk, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Darden, leave of absence was granted Mr. Craft for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

Br. Mr. Cowart:

S. 114. To divide Winston County, Alabama, into five commissioners districts; to provide for the appointment of a commissioner for the 5th district to serve until the general election in 1934; to provide for the election of a county commissioner from each of the five districts by the qualified electors thereof, to provide that the commissioner of each of said districts shall be elected by the qualified electors of said district only; to provide that the commissioner of districts Nos. 2 and 4 shall be elected in 1936, and from districts Nos. 1, 3, and 5 shall be elected in 1934, and every four years thereafter; and for the repeal of all laws local and general in

conflict herewith in so far as the same applies to Winston County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or call session for the year 1933, for the passage of a local act for Winston County, which act is in substance as follows:

AN ACT

To divide Winston County, Alabama, into five commissioners districts; to provide for the appointment of a commissioner for the 5th district to serve until the general election in 1934; to provide for the election of a county commissioner from each of the five districts by the qualified electors thereof, to provide that the commissioner of each of said districts shall be elected by the qualified electors of said district only; to provide that the commissioner of districts Nos. 2 and 4 shall be elected in 1936, and from districts Nos. 1, 3, and 5 shall be elected in 1934 and every four years thereafter; and for the repeal of all laws local and general in conflict herewith in so far as the same applies to Winston County, Alabama.

Be It Enacted by the Legislature of Alabama

Section 1. That Winston County, Alabama, shall be and the same is hereby divided into five commissioners districts as follows: District No. 1 shall be composed of beats or precincts numbered 1 and 11; district No. 2 shall be composed of beats or precincts numbered 3, 4 and 10; district No. 3 shall be composed of beats or precincts numbered 5, 6, and 8; district No. 4 shall be composed of beats or precincts numbered 7 and 9; district No. 5 shall be composed of beat or precinct numbered 2.

Section No. 2 That upon approval of this Act the Governor shall appoint a Commissioner for the 5th District to serve until the general election in 1934, and in case of a vacancy in the Court of County Commissioners, such vacancy shall be filled by appointment of the Governor of the State, and the person appointed shall hold office for the remainder of the term and until his successor is elected and qualified.

Section 3. That there shall be elected by the qualified electors residing or voting in district No. 1 a commissioner at the general election to be held in 1934 and every four years thereafter. That there shall be elected by the qualified electors residing or voting in district No. 2 a commissioner at the general election to be held in 1936 and every four years thereafter. That there shall be elected by the qualified electors residing or voting in district No. 3 a commissioner at the general election to be held in 1934 and every four years thereafter. That there shall be elected by the qualified electors residing or voting in district No. 4 a commissioner at the general election in 1936 and every four years thereafter. That there shall be elected by the qualified electors residing or voting in district No. 5 a commissioner at the general election in 1934 and every four years thereafter. That all nominations by political party for any person for election of commissioner to any of said districts shall be made only by the party in the district in which such commissioner resides, and no person shall be eligible to hold the office of commissioner unless he resides in the district and is a qualified elector of the district which he represents. That the commissioner of each of said districts shall be elected by the qualified electors only.

Section 4. That the present numbers of the commissioners court of Winston County, Alabama, shall remain in office in the district until his present term expires.

Section 5. That all laws and parts of laws local and general in conflict herewith in so far as they apply to Winston County, Alabama, be and the same are hereby repealed and that this act shall be in force and effect from and after its approval by the Governor.

MANY CITIZENS.

AFFIDAVIT

STATE OF ALABAMA COUNTY OF WINSTON

Before me, the undersigned authority, in and for the County and State aforesaid, personally appeared E. P. Lakeman, who first being duly sworn says he is the publisher of the Advertiser-Journal, a weekly newspaper published in said County and State; that the notice, a true copy of which is hereto attached, was published in the Advertiser-Journal once a week for four consecutive weeks, commencing on the 5th day of January, 1933.

E. P. LAKEMAN.

Sworn to before me and signed in my presence, this 6th day of February, 1933.

PEARL ISRAEL,
Notary Public.

By Mr. Duncan:

S. 115. To authorize the State Auditor, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 116. To adjust the appropriations heretofore made for all State Departments, agencies, institutions, commissions and boards, herein called agency, where such agency has not for January, 1933, already adjusted its average salary expense to or below seventy per cent of the average salary expense for January, 1929.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 117. To adjust salaries and compensation of all employees of the State and of all officers of the State or any agency or institution thereof so that the same shall not be in excess of 70% as of January, 1933, of the compensation of such office or officer for January, 1929, whose salary shall not be taken into computation in adjusting the appropriation for any department or agency or institution of the State by the use of an average comparison of salaries for January, 1933, and January, 1929.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 118. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an act of the Legislature of Alabama approved September 10, 1927, entitled, 'An act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266 Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act.'".

Committee on Finance and Taxation.

By Mr. Teasley:

S. 119. To amend Section 243 of the Acts of 1919, page 282.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

Committee on Judiciary.

REPORT OF COMMITTEE

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mullins:

S. 80. To amend Section 8355 of the Code of Alabama of 1923.

By Mr. Lapsley:

S. 103. To amend Section 5904 of the Code of Alabama, 1923.

By Mr. Hooton:

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

RESOLUTION

Mr. Faulk offered the following Joint Resolution:

S. J. R. 24. WHEREAS, on March 4 Franklin D. Roosevelt of New York will be inaugurated president of the United States, and

WHEREAS, the people of this nation, now are on the verge of despair and are looking to Mr. Roosevelt for deliverance from their economical plight, and

WHEREAS, to accomplish such a stupendous task, Mr. Roosevelt will have associated with him, the nation's democratic leaders, and

WHEREAS, a distinguished Alabamian, Hon. Henry B. Steagall, representative from the 3rd District and chairman of the house banking committee for many years, is available for appointment to a cabinet position, and

WHEREAS, by virtue of his long experience in national finance, it is our opinion that Mr. Steagall is eminently fitted for the post of secretary of the treasury, and

WHEREAS, it is our opinion that Mr. Steagall's appointment to the position of secretary of the treasury would meet with universal commendation and approval,

NOW THEREFORE BE IT RESOLVED, by the Senate of Alabama, the house concurring that we go on record as urging the appointment of Congressman Steagall to the treasury position in the Cabinet of Mr. Roosevelt, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Mr. Roosevelt at his New York headquarters by the Secretary of the Senate and the Clerk of the House.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 24. Urging the appointment of Congressman Henry B. Steagall to the Treasury position in the Cabinet of President Roosevelt.

And on motion of Mr. Powell, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate:

By Mr. Kelley:

H. 8. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Also:

By Mr. Yerby:

H. 14. For the relief of clerks of the Circuit Courts in Alabama.

Also:

By Mr. Culver:

H. 19. To amend Section 266 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Also:

By Mr. Patterson:

H. 56. To amend Section 3088 of the Code of Alabama 1923.

Also:

By Mr. Taylor:

H. 68. To amend Section 3109 of the Code of Alabama, 1923, relative to the time allowed for the redemption of real property.

Also:

By Mr. Parker:

H. 163. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

Also:

By Mr. Spencer:

H. 45. To require the Tax Assessor of Limestone County, Alabama, to make and enter in an assessment book suitably ruled and substantially bound in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year showing in separate columns the name of the owner, a description of the real estate, and the improvements thereon, the assessed value thereof, and the value of personal property assessed for taxation and the aggregate amount of state, county and special taxes with which such tax payer is charged.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Notice is hereby given that there will be introduced at the special or extraordinary session of the legislature of Alabama, called to convene on January 31st, a bill, and an effort made to have the same enacted into law, requiring the Tax Assessor of Limestone County, Alabama, to make and enter in an assessment book, suitably ruled and substantially bound, in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year, showing in separate columns the name of the owner, a description of the real estate and improvements thereon, the assessed value thereof, and the value of personal property assessed for taxation, and the aggregate amount of state, county and special taxes with which such tax payer is charged.

R. H. WALKER,
THOS. W. SPENCER.

The State of Alabama, }
Montgomery County. }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a newspaper published in Athens, Limestone County, Alabama, and that the above and foregoing notice of intention to introduce in the Special Session of the Legislature, 1933, a local bill, was published in said newspaper in the issues of January 5th, 12th, 19th and 26th, 1933.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 31st day of January, 1933.

JULIA KLINGE,
Notary Public.

Also:

By Mr. Spencer:

H. 46. To require the Tax Assessor of Limestone County, Alabama, to make annually a complete plat book or books, or renewals thereof, of all real estate in Limestone County, Alabama, in form as prescribed by the State Tax Commission; to provide for the compensation to the Tax Assessor for such services, and to prohibit the Board of Revenue, or other governing body of said County, from paying, and the Tax Assessor from receiving, any greater amount of compensation therefor, and to provide penalties for the violation of this act.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Notice is hereby given that a bill will be introduced, and an effort made to have it enacted into law, at the special or extraordinary session of the legislature of Alabama, called to convene on January 31, 1933, requiring the Tax Assessor of Limestone county, Alabama, to make annually a complete plat book or books, or renewals thereof, of all real estate in the county, in a form to be prescribed by the State Tax Commission, for which service the Tax Assessor shall not be entitled to any extra compensation; and to prohibit the Board of Revenue of said county from paying for the making of such plat book; and providing penalties for the violation of said act.

R. H. WALKER,
THOS. W. SPENCER.

The State of Alabama, }
Montgomery County. }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, Editor and Publisher of The Limestone Democrat, a newspaper published in Athens, Limestone County, Alabama, who, being duly sworn deposes and says: That the above and foregoing notice was published in said newspaper in the issues of January 5th, 12th, 19th and 26th, 1933, without cost to the State of Alabama.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 31st day of January, 1933.

JULIA KLINGE,
Notary Public.

Also:

By Mr. Robinson:

H. 170. To further regulate the procedure in Jefferson County for the recovery of any debt secured by a mortgage, and for the foreclosure of a mortgage.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

To Whom It May Concern:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on January 31, 1933, a bill, in substance as follows, will be introduced, and the passage thereof applied for, namely:

A BILL TO BE ENTITLED AN ACT

TO FURTHER REGULATE THE PROCEDURE IN JEFFERSON COUNTY FOR THE RECOVERY OF ANY DEBT SECURED BY A MORTGAGE, AND FOR THE FORECLOSURE OF A MORTGAGE.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. Hereafter there can be but one action for the recovery of any debt secured by a mortgage upon real or personal property, and such action shall be brought in a court of equity. No other or further steps or proceedings shall thereafter be had or taken by the holder of the mortgage security or mortgage debt to foreclose the same, or to sell the mortgaged property under the power of sale contained in said mortgage. Nothing contained herein shall deprive the creditor or holder of said mortgage debt and mortgage security from first exercising the power of foreclosure and sale contained in said mortgage without resorting first to a court of equity. But, if the creditor or holder of said mortgage security shall elect to exercise the power of foreclosure and sale contained in the mortgage without first resorting to a court of equity for that purpose, he shall not have the right to bring thereafter any action for the recovery of the debt secured by said mortgage.

Section Two. In any suit in equity for the recovery of a debt secured by a mortgage upon real or personal property, or in any suit in equity for the foreclosure of a mortgage, the court shall ascertain the reasonable market value of the mortgaged property as of the date of trial, and a credit in such amount shall be allowed on any indebtedness found by the court to be due; such credit not to exceed the mortgage indebtedness, interest, reasonable attorneys' fees and charges. It shall be presumed that the reasonable market value of the mortgaged property is equal at least in value to the amount of the debt, interest, reasonable attorneys' fees and charges.

Section Three. No deficiency judgment shall be rendered by the court against the defendant for any amount greater than the difference between the reasonable market value of the mortgaged property and the indebtedness, including interest, reasonable attorneys' fees and charges; and if there is no difference between the same, then no deficiency judgment shall be rendered.

Section Four. Any suit or action now pending at law in the Circuit Court upon any debt secured by a mortgage upon real or personal property, shall be transferred to the Equity Division of said court upon a proper showing thereof made by either party, and said suit shall thereafter be prosecuted subject to the provisions of this act.

Section Five. The plaintiff, at the time of filing his petition, or the defendant, within the time allowed for pleading, answering or demurring to said petition, shall have the right to demand a jury for the trial of the issues of said cause.

AFFIDAVIT OF PUBLICATION

State of Alabama, }
Jefferson County }

Personally appeared before me, a Notary Public in and for said state and county, James J. Smith, who being duly questioned and sworn deposeth and says as follows: that he is the Editor and Publisher of The Birmingham Record, a weekly newspaper published in the State of Alabama, county of Jefferson, city of Birmingham, and that a legal notice was published for 4 weeks consecutively in above named paper.

Dates run Jan. 14, 21, 28, Feb. 4, 1933.

Copy of which advertisement is hereto attached.

Signed JAMES J. SMITH,
Editor and Publisher.

This the 6th day of Feb., 1933.

Signed MRS. ANNIE B. MEADOWS,
Notary Public.

(Seal)

Also:

By Mr. Barber:

H. 175. To further regulate the procedure in suits at law now pending or hereafter brought in Jefferson County wherein recovery is sought on an indebtedness secured by mortgage.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that, at the Special Session of the Legislature of Alabama, beginning January 31, 1933, the following bill will be introduced for passage:

A BILL To be Entitled AN ACT

To further regulate the procedure in suits at law now pending or hereafter brought in Jefferson County wherein recovery is sought on an indebtedness secured by mortgage.

Be it Enacted by the Legislature of Alabama:

Section 1. That in any suit at law now pending or hereafter brought in Jefferson County wherein a recovery is sought upon an indebtedness secured by mortgage, the person, firm or corporation against whom such recovery is sought shall on the trial be entitled to have credited on such indebtedness an amount equal to the reasonable market value of the property or equity conveyed by such mortgage as of the date of foreclosure, or in case there has been no foreclosure of such mortgage, on motion of defendant, said suit must be stayed until said mortgage is foreclosed, but this shall not apply where there shall have been a foreclosure and sale in pursuance of a proper decree in a court of equity, and in no case shall any such credit be allowed to exceed the amount due on the mortgage indebtedness, interest and reasonable attorney's fee.

State of Alabama }
 Jefferson County }

Personally appeared before me, a notary public, in and for said State and County,

MARY E. WHEELER

who, after being duly cautioned and sworn, depose and says as follows:
 That she is the

PUBLISHER

of The Birmingham Messenger, a weekly newspaper, published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for Four (4) consecutive weeks in the above named paper Jan. 14-21-28, Feb. 4, 1933, copy of which advertisement is hereto attached.

MARY E. WHEELER.

This the 4 day of Feb. 1933.

(Seal)

ROBERT J. WHEELER,
 Notary Public.

Also:

By Mr. Barber:

H. 176. To further regulate the procedure in equity proceedings now pending or hereafter brought in Jefferson County wherein the foreclosure of a mortgage is sought.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that, at the Special Session of the Legislature of Alabama, beginning January 31, 1933, the following bill will be introduced for passage:

A BILL To be Entitled AN ACT

To further regulate the procedure in equity proceedings now pending or hereafter brought in Jefferson County wherein the foreclosure of a mortgage is sought.

Be it Enacted by the Legislature of Alabama:

Section 1. That in any equity proceeding now pending or hereafter brought in Jefferson County, wherein the foreclosure of a mortgage is sought, any person, firm or corporation liable on the indebtedness secured by such mortgage shall be entitled, on petition therefor filed at any time before confirmation of the foreclosure sale, to have credited on such indebtedness an amount equal to the reasonable market value of the property or equity conveyed by such mortgage as of the date of the foreclosure sale; and anybody interested may, upon written demand filed with such petition or within five days thereafter, have a jury trial as to the amount of such reasonable market value, the verdict of a jury to be binding on the court; but in no such case shall a credit be allowed to exceed the amount due on the mortgage indebtedness, interest and reasonable attorney's fee.

State of Alabama }
Jefferson County }

Personally appeared before me, a notary public, in and for said State and County,

MARY E. WHEELER

who, after being duly cautioned and sworn, deposeeth and says as follows:
That she is the

PUBLISHER

of The Birmingham Messenger, a weekly newspaper, published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for four (4) consecutive weeks in the above-named paper Jan. 14, 21, 28, Feb. 4, 1933, copy of which advertisement is hereto attached.

MARY E. WHEELER

This the 4 day of Feby. 1933.

ROBERT J. WHEELER,
Notary Public.

(Seal)

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally once and referred to appropriate standing committees as follows:
House Bills 8, 19, 56, and 68, to the Committee on Finance and Taxation.

House Bills 14, and 163, to the Committee on Judiciary.

House Bills 45 and 46, to the Committee on Local Legislation.

House Bills 170, 175, and 176, to the Committee on Banking and Insurance.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill and Senate joint resolutions with the original bill and Senate joint resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the County Depository of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel, under the terms and provisions of House Bill No. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

S. J. R. 19. Extending thanks and appreciation to Honorable Franklin Delano Roosevelt for his recent visit to Alabama and for all he did and said while here.

S. J. R. 21. Creating a Joint Committee of three from the Senate and five from the House to make a full and complete investigation of all matters relating to school text books in Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILL AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and resolutions; the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 18. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that in all cases where State and County licenses are levied upon a population classification for a period of two years after the date of such consolidation the licenses levied shall be computed and based upon the population of the municipality according to the last Federal Census in which the place where such business or occupation as carried on, was located prior to such consolidation or merger, and to make legal any licenses which have been previously issued according to such population classification; and to authorize refunds of licenses heretofore issued in such municipalities, computed on a different population basis.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Message from the House.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Mullins moved to take from the adverse calendar, have the same read a second

time and placed on the regular calendar, the bill:

S. 4. To repeal Sections 4615 to 4800, both inclusive, of the Code of Alabama of 1923, and to provide that upon a modification or repeal of any federal statute by the Congress of the United States, whereby the sale of beverages is authorized which contain an alcoholic content of a higher percentage than that now authorized by law in this State, the sale of such beverages so authorized shall become legal in the State of Alabama.

Mr. Bonner moved to lay said motion on the table, which motion prevailed and the motion to take from the adverse calendar was tabled.

Yeas, 25; nays, 8.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Darden

Delony

Duncan

Garrett

Goodwin

Hildreth

Hubbard

Kelley

Lapsley

Lusk

McDaniel

Millsap

Powell

Riddle

Scruggs

Shepherd

Walker

Wikle

—25

Nays:

Messrs.:

Edmundson

Faulk

Fletcher

Hooton

McDowell

Mullins

Teasley

Warren

— 8

APPOINTMENT ON SPECIAL TEXT-BOOK COMMITTEE

There being a vacancy on the Special Text-Book Committee heretofore created under Senate Joint Resolution No. 21, caused by the resignation of Mr. Farmer, the President and Presiding Officer of the Senate announced the appointment of Mr. Warren to fill such vacancy.

RECESS

At 1:15 P. M., on motion of Mr. Teasley, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—SEVENTH DAY

Tuesday, February 14th, 1933.

The Senate re-assembled at 3:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Bonner	Faulk	Lapsley	Scruggs
Brown	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Darden	Hildreth	Millsap	Warren
Delony	Hooton	Mullins	Wikle

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hubbard:

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

Committee on Municipalities and Municipal Organizations.

By Mr. Hubbard:

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

Committee on Municipalities and Municipal Organizations.

By Mr. Edmundson:

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury

to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that at a special session of the Legislature of Alabama, called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill, in substance as follows will be introduced and the passage thereof applied for, namely:

A BILL TO BE ENTITLED AN ACT

To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That all fees which may be collected for the performance of any official service by any officer of Jefferson County, Alabama, who is compensated for his service by a salary shall, as soon as collected, be paid into the County Treasury to the credit of the general fund of said county, except such fees as may now, by law, be required to be paid into the State Treasury.

Sec. 2. That all laws and parts of laws, general, special or local, in conflict with the provisions of this act be, and the same hereby are, repealed.

State of Alabama }
County of Jefferson } ss:

On this 10 day of Feb. A. D., 1933 personally appeared before me, W. O. Oliver, a Notary Public in and for said County and State afore said J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of the Birmingham Age-Herald a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates: Jan. 20, 27, Feb. 3, 10, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this 10 day of Feb. 1933.

W. O. OLIVER,
Notary Public.

(Seal)

By Mr. Edmundson:

S. 124. To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that at a special session of the Legislature of Alabama, called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill, in substance as follows will be introduced and the passage thereof applied for, namely:

A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Jefferson County, Alabama, shall receive, as a salary, the sum of seventy-five hundred dollars (\$7,500.00) per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, in the same way and manner as the salary of other county officers are now paid.

Sec. 2. That this act shall take effect on the 15th day of January, 1935.

State of Alabama }
County of Jefferson } ss:

On this 10 day of Feb. A. D., 1933 personally appeared before me, W. O. Oliver a Notary Public in and for the County and State afore said J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of The Birmingham Age-Herald a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates: Jan. 20, 27, Feb. 3, 10, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this 10 day of Feb., A. D., 1933.

W. O. OLIVER,
Notary Public.

(Seal)

By Mr. Edmundson:

S. 125. To further provide for the constitution, jurisdiction and procedure of inferior courts of record in all counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal census, and known as County Court of Common Claims, established by the Act approved July 20th, 1931; to increase the jurisdiction of such courts to cases where the amount involved does not exceed the sum of One Thousand Dollars (\$1,000.00); to provide for two divisions of said court, and that the Clerk of said Court shall serve both divisions of said court, to create an additional Judge for such Court and to fix the term, qualifications and salary of such Judge, and to provide for his appointment.

Committee on Banking and Insurance.

By Mr. Edmundson:

S. 126. To prescribe the number of the Circuit Judges of the Tenth Circuit.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that at a special session of the Legislature of Alabama, called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill, in substance as follows will be introduced and the passage thereof applied for, namely:

A BILL TO BE ENTITLED AN ACT

To prescribe the number of the Circuit Judges of the Tenth Circuit.

Be it enacted by the Legislature of Alabama:

Section 1. From and after the expiration of the present term of the Circuit Judges of the Tenth Circuit the number of Circuit Judges of the Tenth Circuit is reduced from eleven to nine.

Sec. 2. At the general election held in November, 1934, there shall be elected nine judges of the Circuit Court of the Tenth Circuit, each of whom shall hold office for the term of six years, and until his successor is elected and qualified.

Sec. 3. That all laws and parts of laws, general, special and local in conflict with the provisions of this act be, and the same hereby are, repealed.

State of Alabama }
County of Jefferson } ss:

On this 11th day of Feb., A. D., 1933 personally appeared before me, W. O. Oliver a Notary Public in and for the County and State afore said J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of The Birmingham Age-Herald a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald the following dates: Jan. 21, 28, Feb. 4, 11, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this 11 day of Feb. A. D., 1933.

(Seal) W. O. OLIVER,
Notary Public.

REPORT OF COMMITTEE

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow (with notice and proof):

H. 35. To further regulate the salaries of the Judges of the Tenth Judicial Circuit of Alabama, to provide for the payment of supplemental salaries in addition to the salaries now paid by the State of Alabama, to provide that such supplemental salaries shall be in lieu of all salaries now paid out of the County Treasury of Jefferson County, to regulate the payment of such supplemental salaries and to provide when this Act shall take effect.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 24. Urging the appointment by Hon. Franklin D. Roosevelt, President-elect, of Hon. Henry B. Steagall as Secretary of the Treasury.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following resolution and sends same herewith to the Senate:

By Mr. Lee of Coffee:

H. J. R. 28. Whereas, the Hon. Henry B. Steagall, a distinguished Alabamian, has exhibited marked ability in the services to his country as a member of, and as chairman of, the House Committee on Banking and currency; and,

Whereas, the people of Alabama and of the nation appreciate his fitness for promotion to the cabinet by reason of such long and faithful service; and,

Whereas, by long, steady and intricate application of the principles of finance, Mr. Steagall has, perhaps better than any man of like liberal turn of mind, prepared himself for further distinguished services to his country.

Be it resolved that we, the House of Representatives and Senate of Alabama in special session assembled, do hereby memorialize and respectfully urge the Hon. Franklin D. Roosevelt, president elect of the United States, to give full consideration to the qualifications of Mr. Steagall before arriving at a definite conclusion as to whom he shall tender the appointment as secretary of the Treasury in the next democratic cabinet.

Be it further resolved that a copy of this resolution, after its passage and approval, be forthwith forwarded to the Hon. Franklin D. Roosevelt, president elect, and to each Senator and Representative in Congress from the State of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the rules were suspended and H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following resolution and sends same herewith to the Senate:

By Mr. Black:

H. J. R. 30. Whereas, the United States government has made loans to European governments, running into the billions of dollars; and

Whereas, said governments of Europe have continuously by diplomacy and "debt settlements" scaled the principal sum for less than one half of the amounts obtained; and

Whereas, said European governments did apply to the government of the United States for an extension of payment for the period of one year; and

Whereas, the United States, by and through Congress by appropriate resolution did extend the payments of such debts for a period of one year; and

Whereas, the Federal Land Bank of America, being a governmental instrumentality; and

Whereas, said bank holds mortgages on approximately fifty per cent of the farms of America and is foreclosing said mortgages daily, and putting the American farmer out of his home on account of his inability to meet the payment of said indebtedness; and

Whereas, the sums of money lent to the various European governments was money obtained from the taxpayers of America for maintenance of this government; and

Whereas, all charity should begin at home;

Therefore, Be It Resolved, by the House of Representatives, the Senate concurring, that the members of Congress of the United States from Alabama be requested to introduce in said lawmaking body a bill to extend the payments of all mortgage indebtedness due the Federal Land Banks for a period of one year, thereby extending to the American farmer the same relief that has been extended to its European debtors.

Be It Further Resolved, that the Secretary of State for the State of Alabama be required to transmit to each member of Congress and to each of the Senators from this State a copy of this resolution.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Scruggs, the rules were suspended and H. J. R. 30, set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate:

By Mr. Williams:

H. J. R. 32. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Thursday, February 16, at 10:00 o'clock A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the rules were suspended and H. J. R. 32, set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment: By Mr. Sanderson:

H. 50. To amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

Also:

By Mr. Glover of Elmore:

H. 130. To provide for the giving up by the State of Alabama and its officials of all its possession, claim, right and interest in and to the following described real estate located in Elmore County, Alabama, to-wit: "That part of sub-division D lying North of the Section line between Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), and Section three (3), Township Seventeen (17), Range Eighteen (18), being situated in Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), lying South of the main stream of the Tallapoosa River and being surrounded by the so called Dead River, being the former stream of the Tallapoosa River and containing 27 acres, more or less, according to the map made by C. A. Pickett, County Surveyor of Montgomery County, May, 1930" to Mrs. C. E. Gaddis, Wetumpka, Elmore County, Alabama.

Also:

By Mr. Green:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama Approved September 10, 1927, entitled, 'An Act, to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266 Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act.'"

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

House bills 50 and 130, to the Committee on Judiciary.

House bill 140, to the Committee on Finance and Taxation.

SPECIAL ORDER

Mr. McDowell moved to make a special order for the next Legislative Day, the bill:

S. 56. To propose an amendment to the Constitution of the State of Alabama to be known as "Article XXVI", amending Section 256 of the Constitution of Alabama, fixing the time for holding an election for the purpose of submitting said amendment to the qualified electors of the State of Alabama for their ratification, and fixing the method of holding said election.

Mr. Walker moved to lay said motion on the table, which motion was lost.

Yeas, 13; nays, 14.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Scruggs	
Cooper	Faulk	Lusk	Shepherd	
Cowart	Goodwin	Riddle	Walker	
Darden				—13

Nays:

Messrs.:

Beasley	Garrett	Lapsley	Millsap	
Bonner	Hildreth	McDaniel	Powell	
Brown	Hooton	McDowell	Warren	
Duncan	Hubbard			—14

The motion of Mr. McDowell to make said bill a special order then prevailed.

Yeas, 16; nays, 14.

Yeas:

Messrs.:

Beasley	Duncan	Hubbard	Millsap	
Bonner	Garrett	Lapsley	Mullins	
Brown	Hildreth	McDaniel	Powell	
Cooper	Hooton	McDowell	Warren	—16

Nays:

Messrs.:

Bartlett	Edmundson	Lusk	Shepherd	
Cowart	Faulk	Riddle	Walker	
Darden	Goodwin	Scruggs	Wikle	
Delony	Kelley			—14

BILLS ON THIRD READING

The bill:

S. 81. To amend Section 3571 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Scruggs
Beasley	Duncan	Kelley	Shepherd
Bonner	Faulk	Lusk	Walker
Brown	Goodwin	McDaniel	Warren
Cooper	Hildreth	Mullins	Wikle
Cowart	Hooton	Riddle	

—23

The bill:

S. 99. To amend Section 136 of the Alabama School Code as amended by an Act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education,'" approved August 27, 1927.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill, to-wit:

Amend S. 99 by adding thereto the words "or notes" following the words "such warrants" wherever they appear together therein.

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Beasley	Goodwin	Lusk	Scruggs
Brown	Hildreth	McDaniel	Shepherd
Cowart	Hooton	McDowell	Teasley
Darden	Hubbard	Mullins	Warren
Duncan	Kelley	Powell	Wikle
Garrett	Lapsley		

—22

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Garrett	Lapsley
Beasley	Darden	Hildreth	McDowell
Brown	Delony	Hooton	Millsap
Cooper	Duncan	Kelley	Mullins

Powell	Scruggs	Warren	Wikle	
Riddle	Shepherd			—22

The bill:

S. 70. To amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama," approved Nov. 6, 1932.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill, to-wit:

Amend Senate Bill No. 70 as follows:

By striking out the words "And current expenses" in the 4th line.

Which was adopted.

Yeas, 21; nays, 1.

Yeas:

Messrs.:				
Bartlett	Darden	Hildreth	Powell	
Beasley	DeJony	Hooton	Riddle	
Bonner	Duncan	Hubbard	Shepherd	
Brown	Garrett	Lusk	Warren	
Cooper	Goodwin	Mullins	Wikle	
Cowart				—21

Nay: Mr. Faulk

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 1.

Yeas:

Messrs.:				
Bartlett	Darden	Hooton	Riddle	
Beasley	Duncan	Hubbard	Scruggs	
Bonner	Garrett	Kelley	Shepherd	
Brown	Goodwin	McDowell	Warren	
Cooper	Hildreth	Powell	Wikle	
Cowart				—21

Nay:—Mr. Faulk

— 1

The bill:

H. 1. To propose an amendment to the Constitution of Alabama, to be known as Article XXIV, providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary, fees, or compensation of any executive, legislative, or judicial officer of the State, or of any subdivision thereof, whether elected or appointed, during his term of office, shall be suspended until October 1, 1935; to empower the Legislature to reduce salary, fees, or compensation during the term of office of any officer, and to make effective any law, heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, on the

first day of the month next succeeding the date of ratification of this amendment.

Was taken up.

Mr. Teasley moved that further consideration of said bill be postponed until the next Legislative Day.

Mr. McDowell moved to lay the motion to postpone on the table, which motion was lost.

Yeas, 14; nays, 18.

Yeas:

Messrs.:

Bartlett
Bonner
Brown
Coward

Duncan
Hildreth
Hubbard
Lusk

McDowell
Mullins
Powell

Riddle
Scruggs
Warren

—14

Nays:

Messrs.:

Beasley
Cooper
Darden
Delony
Edmundson

Faulk
Fletcher
Garrett
Goodwin
Hooton

Kelley
Lapsley
McDaniel
Millsap

Shepherd
Teasley
Walker
Wikle

—18

The motion of Mr. Teasley to postpone consideration until the next Legislative Day then prevailed and said bill was so postponed.

ORDER TO PRINT

On motion of Mr. Bonner, 500 copies of each of the bills:

S. 116. To adjust the appropriations heretofore made for all State Departments, agencies, institutions, commissions and boards, herein called agency, where such agency has not for January, 1933, already adjusted its average salary expense to or below seventy per cent of the average salary expense for January, 1929.

Also:

S. 117. To adjust salaries and compensation of all employees of the State and of all officers of the State or any agency or institution thereof so that the same shall not be in excess of 70% as of January, 1933, of the compensation of such office or officer for January, 1929, whose salary shall not be taken into computation in adjusting the appropriation for any department or agency or institution of the State by the use of an average comparison of salaries for January, 1933, and January, 1929.

Were ordered printed for the use of the Senate.

REPORT OF THE STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully exam-

ined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and concurred in, and the Journal of the Senate for the Seventh Legislative Day, approved.

ADJOURNMENT

At 4:50 P. M., on motion of Mr. Powell, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Thursday, February 16th, 1933, at 10:00 A. M.

EIGHTH DAY

Thursday, February 16th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Jno. W. Inzer, Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—33

JOURNAL

On motion of Mr. Hubbard, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Beasley, leave of absence was granted Mr. Hooton for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Scruggs:

S. 127. To amend Section 188 of the School Code of Alabama of 1927.

Committee on Education.

By Mr. Edmundson:

S. 128. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama, called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill, in substance as follows will be introduced and the passage thereof applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That the Probate Judge of Jefferson County, Alabama, shall receive as a salary, the sum of seventy-five hundred dollars (\$7,500.00) per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, in the same way and manner as the salary of other county officers are now paid.

Sec. 2. That this act shall take effect on the 15th day of January, 1935.

STATE OF ALABAMA }
County of Jefferson } ss:

On this 10th day of Feb. A. D., 1933 personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates: Jan. 20, 27; Feb. 3, 10, 1933.

(Signed)

J. H. CAPPS.

Subscribed and sworn to before me this 10th day of Feb. A. D., 1933.

(Seal)

W. O. OLIVER,
Notary Public.

By Mr. Warren:

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Teasley:

S. 130. To propose an amendment to Section 262 of Article XIV of the Constitution of Alabama.

Committee on Constitution, Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Teasley:

S. 131. To propose an amendment to Sections 49 and 53 of Article IV of the Constitution of Alabama.

Committee on Constitution, Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Faulk:

S. 132. To amend an act entitled, "To amend Section 6336, Code of 1923, Approved July 2, 1931.

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sanderson (with substitute):

H. 51. "To amend subdivision G of Section 2 of an Act entitled an act "in reference to and to further provide for the General Revenue of the State of Alabama," approved Aug. 22nd, 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

By Mr. Walker:

S. 109. To amend Schedule 52 of an act to provide for the general revenues of the State of Alabama approved September 15, 1919.

By Mr. Patterson (with amendment):

H. 56. To amend Section 3088 of the Code of Alabama 1923.

By Mr. Kelley (Concuh) (with amendment):

H. 8. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Mr. Beasley, chairman of the Standing Committee on Fish, Game and Forestry reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

By Mr. Craft:

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act and for other purposes.

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edmundson (with notice and proof):

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

By Mr. Edmundson (with notice and proof):

S. 124. To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

By Mr. Edmundson:

S. 125. To further provide for the constitution, jurisdiction and procedure of inferior courts of record in all counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal Census, and known as County Court of Common Claims, established by the Act approved July 20th, 1931; to increase the jurisdiction of such Courts to cases where the amount involved does not exceed the sum of One Thousand Dollars (\$1,000.00); to provide for two divisions of said Court, and that the Clerk of said Court shall serve both divisions of said Court, to create an additional Judge for such Court and to fix the term, qualifications and salary of such Judge, and to provide for his appointment.

By Mr. Edmundson (with notice and proof):

S. 126. To prescribe the number of the Circuit Judges of the Tenth Circuit.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (with notice and proof):

H. 44. To ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled: "An Act to provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office. By Mr. Spencer (with notice and proof):

H. 45. To require the Tax Assessor of Limestone County, Alabama, to make and enter in an assessment book suitably ruled and substantially bound in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year showing in separate columns the name of the owner, a description of the real estate, and the improvements thereon, the assessed value thereof, and the value of personal property assessed for taxation and the aggregate amount of state, county and special taxes with which such tax payer is charged.

By Mr. Spencer (with notice and proof):

H. 46. To require the Tax Assessor of Limestone County, Alabama, to make annually a complete plat book or books, or renewals thereof, of all real estate in Limestone County, Alabama, in form as prescribed by the State Tax Commission; to provide for the compensation to the Tax Assessor for such services, and to prohibit the Board of Revenue, or other governing body of said County, from paying, and the Tax Assessor from receiving, any greater amount of compensation therefor, and to provide penalties for the violation of this Act.

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hubbard (with amendment):

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

By Mr. Hubbard (with amendment):

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has carefully compared the following enrolled resolution with the original resolution and finds same correctly enrolled, to-wit:

S. J. R. 24. Urging the appointment by Hon. Franklin D. Roosevelt, President-elect, of Hon. Henry B. Steagall as Secretary of the Treasury.

T. A. Goodwin,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution; the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

RESOLUTIONS

Mr. Craft offered the following Joint Resolution:

S. J. R. 25. Be it resolved by the Senate, the House concurring: That the Legislature request Governor Miller to invite Governor Conner of Mississippi to address the Governor and the joint session of the Legislature on the experience of the Sales Tax in Mississippi

and the benefits and relief that the State of Mississippi has received from the sales tax legislation.

Which was read and referred to the Standing Committee on Rules.

Mr. Mullins offered the following Joint Resolution:

S. J. R. 26. WHEREAS, the prohibition question is a highly controversial issue in the State and the Nation, it being a question upon which many of our citizens have honest doubts as to the wisdom of retention or repeal of the 18th Amendment to the Federal Constitution and the repeal or modification of the Volstead Law; and,

WHEREAS, the question of retention or repeal of the State prohibition statutes is one upon which many of our citizens have honest doubts and would like to have further information before Legislative action is taken thereon; and,

WHEREAS, it is believed that the appointment of a Commission to study the question and to make a survey of the same and a report to the next Legislature of Alabama would be of great value to the commonwealth as a whole; and,

WHEREAS, the Woman's Organization for Prohibition Reform in Alabama is anxious to secure the appointment of such a commission, to serve without pay, and to be composed of three men and three women, one half of which number shall be known advocates of reform of the prohibition laws in the State and the Nation and the other half to be outspoken prohibitionists and for the retention of all State and federal laws regulating prohibition, which number shall have the right to select a seventh member of said commission who, when selected, shall be the Chairman of said Commission, and who shall have the power to call the Commission together at any time and at any place in which his or her judgment shall deem best for the study of said question in an effort to make an impartial survey of all forms and types of control of the liquor traffic to the end that a plan best suited to our needs may be considered and adopted by the Legislature to take effect when the 18th Amendment to the Federal Constitution is repealed;

NOW, THEREFORE, be it resolved by the Senate of Alabama, the House concurring, that such a commission be, and the same is hereby, authorized and upon the passage and approval of this joint resolution, the Governor of Alabama is hereby requested to appoint a commission in accordance with the tenor of this resolution and when such appointments are made as is herein provided, to notify such persons as may have been appointed to said commission of their appointment hereunder.

Which was read and referred to the Standing Committee on Rules.

Mr. Riddle offered the following Joint Resolution:

S. J. R. 27. WHEREAS, the Committee on Constitutional Law and Constitutional Revision of the Senate has appointed a Subcommittee, composed of Senators D. Hardy Riddle, John Craft and John A. Darden for the purpose of investigating the rates of utilities engaged in the business of selling electricity, electrical energy, telephone and telegraph service, water and natural and artificial gas; and,

WHEREAS, publication of the announcement of this investigation has resulted in a demand on the part of the public and the utilities affected by the investigation, that the investigating committee should be clothed with authority to fully, fairly and impartially conduct such investigation; and,

WHEREAS, it is the desire of the Senate that such information be obtained as affecting legislation pending in the Senate:

THEREFORE, BE IT RESOLVED by the Senate that the President of the Senate be requested to appoint as a committee to investigate utility rates and the possibility of securing a reduction of same, a committee composed of Senators D. Hardy Riddle, John A. Darden and John Craft.

BE IT FURTHER RESOLVED, that said Committee shall have authority to compel the attendance of witnesses and the production of books, documents and other papers from any and every person whatsoever that may shed any light on the matters involved in the investigation; and that said Committee be authorized and empowered to continue through the present session of the Legislature and after adjournment until it has completed such investigation; and said Committee shall be authorized to employ one technical assistant, trained in engineering and accounting to assist in said investigation; and shall also be authorized to employ official court reporters to transcribe testimony adduced at any and all hearings of said Committee.

BE IT FURTHER RESOLVED, that the expense of said committee is authorized by this resolution; or any subsequent resolution of the Senate shall be paid as the other expenses of the Senate are now paid.

Which was read and referred to the Standing Committee on Rules.

CONSIDERATION OF SPECIAL ORDER

The Senate proceeded to consider the Special Order for today, which was the bill:

S. 56. To propose an amendment to the Constitution of the State of Alabama to be known as "Article XXVI", amending Section 256 of the Constitution of Alabama, fixing the time for holding an election for the purpose of submitting said amendment to the qualified electors of the State of Alabama for their ratification, and fixing the method of holding said election.

And said bill was read a third time at length and lost.
Yeas, 16; nays, 17.

Yeas:**Messrs.:**

Bartlett	Edmundson	Kelley	Shepherd
Cowart	Faulk	Lusk	Teasley
Darden	Fletcher	Riddle	Walker
Delony	Goodwin	Scruggs	Wikle

—16

Nays:**Messrs.:**

Beasley	Craft	Hubbard	Millsap
Bonner	Duncan	Lapsley	Mullins
Brown	Garrett	McDaniel	Powell
Caffey	Hildreth	McDowell	Warren

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Mr. Powell moved to reconsider the vote by which said bill was lost, which motion was lost and the Senate refused to reconsider said vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ware:

H. 183. To amend Section 197 of the 1927 School Code of Alabama.

Also:

By Mr. Swift:

H. 17. To exempt from ad valorem taxation the shares of capital stock of corporations conducting hospitals, to the extent of TWENTY THOUSAND DOLLARS (\$20,000.00) to enable such corporations to enjoy the full benefits of tax exemption to said amount as now provided by law.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 183, to the Committee on Education.

H. 17, to the Committee on Finance and Taxation.

RECESS

At 1: P. M. on motion of Mr. Powell, the Senate took a recess until 3:30 this afternoon.

AFTERNOON SESSION—EIGHTH DAY

Thursday, February 16th, 1933.

The Senate re-assembled at 3:30 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Cooper
Cowart
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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INTRODUCTION OF BILL

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teasley:

S. 133. To relieve and exempt all counties, cities and other municipalities of this State from all excise taxes that have been levied or imposed upon such counties, cities or other municipal corporations for selling, distributing, storing or withdrawing from storage, or for engaging in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatsoever, gasoline or other liquid motor fuels or devices or substitutes therefor in this State.

Committee on Finance & Taxation.

REPORT OF COMMITTEE

Mr. Hildreth, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mullins:

S. 105. To provide for holding a convention to revise and amend the Constitution of this State.

The above bill was read a second time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McGowin:

H. 159. To adjust the appropriations heretofore made for all State departments, agencies, institutions, commissions and boards, herein called agency, where such agency has not for January, 1933, already adjusted its average salary expense to or below seventy per cent of the average salary expense for October, 1930.

Also:

By Mr. McGowin:

H. 160. To adjust salaries and compensation of all employees of the State and of all officers of the State or any agency or institution thereof so that the same shall not be in excess of 70% as of January, 1933, of the compensation of such office or officer for October, 1930, whose salary shall not be taken into computation in adjusting the appropriation for any department or agency or institution of the State by the use of an average comparison of salaries for January, 1933, and October, 1930.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

H. 159 and H. 160, to the Committee on Finance and Taxation.

CALENDAR BILL RE-COMMITTED

On motion of Mr. Lusk, the bill:

S. 100. To provide the method of redemption of lands from tax sales made prior to and including the calendar year 1933, where lands have been sold to the State; to provide that no interest or penalties shall be charged on the amount due for which the lands were sold; to provide that, where taxes for succeeding years have accrued against any lands so sold, lands shall be valued by the Board of Review for such year or years; to allow the redemption of such lands by payment to the Probate Judge the amount due in four quarterly installments."

Was taken from today's calendar and re-referred by the President of the Senate to the Committee on Finance and Taxation.

OPINION OF SUPREME COURT

TO THE SENATE OF ALABAMA:

Responding to your inquiries by Senate Resolution No. 16, hereto attached, we submit our advisory opinion as follows:

1. Amendments to the Constitution numbered XX and XX A confer authority upon the State to engage in the construction and maintenance of highways and bridges, and to appropriate money for such purposes. This general power is vested in the Legislature, the law-making body of the State.

True, these amendments recognize the State Highway Department as an existing State agency, and confer upon it certain powers touching the location and construction of the road system defined in the amendments, as well as apportionment among the several counties of the road fund arising from bonds to be issued thereunder. This, in no way, divests the Legislature of its general legislative powers over road and bridge construction and maintenance, nor over the Highway Department, save as to the special powers above mentioned. We, therefore, answer inquiry No. 1 in the affirmative.

2. We do not think the powers of the Bridge Corporation under the creative Act of 1927, as set out in your resolution, include all the powers conferred by pending Senate Bill No. 19. We answer inquiry No. 2 in the affirmative.

3. Inquiry No. 3 is answered in the affirmative for reasons stated in answer to No. 1.

4 and 5. Inquiries Nos. 4 and 5 are answered in the negative. These amendments do not deal with the subject-matter of the Act, save as they grant general powers to the State, to be exercised through the Legislature.

6. Inquiry No. 6 is answered in the negative. Its powers are conferred by law and defined by law. See answer to No. 1.

7. Inquiry No. 7 is answered in the negative for reasons already given.

Chief Justice Anderson and Justices Brown and Knight, by this opinion, would not be understood as sustaining the constitutionality of the pending bill. Their views are stated in former dissenting opinion on similar bill.

Respectfully submitted,

JNO. C. ANDERSON,

Chief Justice.

LUCIEN D. GARDENER,

JOEL B. BROWN,

VIRGIL BOULDIN,

ARTHUR B. FOSTER,

THOMAS E. KNIGHT,

Associate Justices.

By Mr. Scruggs:

S. R. 16. WHEREAS there is now pending before the Senate of the State of Alabama Senate Bill No. 19, and

WHEREAS, the Acts of the Legislature, approved August 31, 1927, (Sub-Division 4 of Section 1, page 279 of the Acts of 1927) contains the following language:

"Powers of—3. To receive take and hold by sale, gift, lease, devise, or otherwise, real and personal estate of every description, and to manage and dispose of the same by any form of legal conveyance or transfer, with full power and authority to borrow money and to convey by mortgage or deed of trust; to acquire, hold, purchase, received by bequest or devise, and to convey or otherwise dispose of all such real, personal and mixed property as may be necessary or convenient for the construction, operation or maintenance of bridges and approaches thereto at crossings of the hereinafter designated streams, or for the conduct and maintenance of the business of building, constructing and maintaining the bridges hereinafter described; to borrow money, to issue notes, bonds or other negotiable paper, mortgage, pledge or otherwise transfer or convey its real, personal and mixed property to secure the payment of money borrowed, or any debt contracted."

And, WHEREAS, Article XX and Article XX A of the Constitution both contain the following language:

"The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the State of Alabama—The State Highway Commission or the Highway Department shall locate, construct, and maintain highways and State trunk roads so as to connect each County seat with the County seat of the adjoining County by the most direct or most feasible route, or by a permanent road, having due regard to the public welfare, and to connect the County seats of the several border Counties at or near the State line with a public road in the border States. Provided that in Counties which are divided into two or more judicial divisions in each of which regular terms of Circuit Court are held, the places where said terms of Court are held shall likewise be connected with each other. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several Counties the expenditure of both money and labor, and the time or times of making such investment not less than one quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission by each County in the State. To create a sinking fund for the prompt, and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of public highways, roads, and bridges, the Legislature shall, etc.,"

THEREFORE BE IT RESOLVED BY THE SENATE, that the Justices of the Supreme Court of Alabama, or a majority thereof, are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama;

1. As to whether or not said Bill now pending, bestows upon the Highway Department of the State of Alabama any other, further or additional powers than those granted to it by said Article XX and/or by said Article XX A of the Constitution.

2. Whether said Act now pending grants to the said Alabama State Bridge Corporation any additional powers with reference to a lease of said property not granted to it by said Act of the Legislature approved August 31, 1927.

3. Whether or not said Act now pending grants to the Highway Department of the State of Alabama any powers or rights not conferred upon it by said Article XX and/or Article XX A of the Constitution.

4. Whether or not said Act violates Article XX of the Constitution.

5. Whether or not said Act violates Article XX A of the Constitution.

6. Whether or not Article XX and Article XX A of the Constitution gives an unlimited power to the Highway Department to construct and maintain, or improve public roads, highways and bridges in the State of Alabama.

7. Through the power given by Article XX and/or Article XX A does it include the power to lease said bridges with or without an enabling Act of the Legislature?

By Mr. Scruggs:

S. 19. A bill to be entitled An Act to provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Highway Department of the State of Alabama be and is hereby authorized to lease from the Alabama State Bridge Corporation all of the fifteen toll bridges and other property, now owned by the Alabama State Bridge Corporation, and said Bridge Corporation is hereby authorized to rent and lease to the State Highway Department of the State of Alabama said bridges and other property; said lease to be for an annual rental of not exceeding Three Hundred Thousand Dollars which sum, or so much thereof as is necessary, is hereby appropriated for said purpose mentioned in this Act.

Section 2. That the said sum of Three Hundred Thousand Dollars herein appropriated shall be set aside as a trust fund out of any money belonging to or heretofore or hereafter appropriated for the use and benefit of or to the State Highway Department not otherwise heretofore appropriated, and shall be paid annually to the Alabama State Bridge Corporation, and be used by it exclusively for the payment of the interest, and/or principal of any refunding bonds issued by the said Alabama State Bridge Corporation as the same falls due or matures, and shall be used for no other purpose.

Section 3. That said lease shall provide that the State Highway Department of the State of Alabama shall at all times keep repaired and in good condition each and every bridge and/or property so leased as a part of the public highway system of the State of Alabama without expense to the Alabama State Bridge Corporation and said lease shall also provide that in case of a destruction of any of said property during the term of said lease, the State Highway Department shall reconstruct such property as is destroyed, in addition to the annual rental above provided for. Said lease shall continue for such length of time as the Alabama State Bridge Corporation may have any refunding bonds outstanding. Said lease shall also provide that said property shall be used without the collection of tolls or charges from the public but shall be used in connection with and as a part of the public highway system of the State of Alabama during the term of this lease and at its expiration

shall become the public property of the State of Alabama, but no provision in this Act or in said lease shall in any wise impair the obligation of any contract now existing whereby the Alabama State Bridge Corporation is a party hereto.

Section 4. The power given hereinto lease the said bridges shall not be exercised unless and until the bonds now outstanding against said bridges shall have been refunded on a basis that the annual interest and principal amortization fund shall not exceed Three Hundred Thousand Dollars.

Section 5. This Act shall take effect immediately upon its passage and approval.

IN RE: Opinion of the Justices of the Constitutionality of Senate Bill No. 19 as requested, and a Resolution passed by the Senate of Alabama.

This brief is made outlining the position of the author of the Resolution and of the author of the Bill, intending to give any aid possible to the Justices in arriving at their opinion.

Senate Bill No. 19 was introduced by me. It permits, among other things, the leasing by the Highway Department of the toll bridges owned by the Alabama State Bridge Corporation. The power given by the bill to lease, however, is limited in that they cannot be leased for an annual rental of exceeding Three Hundred Thousand Dollars, and then only when the bonds of the Alabama State Bridge Corporation have been refunded on such a basis that the annual principal and interest amortization will not exceed Three Hundred Thousand Dollars. Article XX of the Constitution was ratified in 1922. Prior to that time Section 93 of the Constitution as amended by Amendment ratified in 1908 limited the State in works of internal improvement to the construction, repair and maintenance of public roads and then only from the net proceeds from the State Convict fund; up to the ratification of Article XX it was impossible for the State to engage in the construction, improvement, repair and maintenance of bridges in Alabama, and it was impossible for the State to engage in constructing, improving, repairing and maintaining public roads and highways, except to such as extent as was authorized by Section 93 of the Constitution as amended by Amendment No. 1, which it limited to the earnings of the Convicts.

A public bridge is a part of the public road on which it is located.

Pickens County v. Greene County, 54 So 998. 171 Ala. 377.

The safe rule of constitutional construction is to regard not so much the form or manner of expression as the nature and objects of its provisions, and the ends to be accomplished, giving its words their just and legitimate meaning.

Marbury v. Madison, 1 Cranch, 137-2 L. Ed. 60.

Carroll v. State, 58 Ala. 396.

Bozeman v. State, 7 Ala. App. 151. 61 So. 604.

The same rule applies with reference to the construction of a Statute.

Lynn v. Boyles Furniture Co., 57 So. 122; 3 Ala. App. 634

United States v. Katz, 46 S. Ct. 513; 271 U. S. 354; 70 L. Ed 986.

We will, therefore, consider in arriving at the intention in the adoption of Articles XX and XX A of the Constitution, the purposes intended by their ratification. I have mentioned the limitations placed upon the State. In addition to the powers given as above expressed by these Articles, XX and XX A, we find created therein a branch of government known as "the State Highway Commission or Highway Department." We find by these articles certain things or duties imposed by Constitutional enactment upon the Highway Department. We find one thing in the form of a duty imposed upon the Legislature. That is, "to create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads and bridges, the Legislature shall levy a special etc." This language is found in both Articles. The powers conferred by both Articles upon the Highway Department are identical. Therefore, only one thing could have been intended in the adoption and ratification of these Amendments to the Constitution. That was this; That the State should be unlimited in its authority to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama; that all of the administrative and other features necessary to do the things authorized by the Amendment should be placed in the Highway Department except one thing. That one thing was placed upon the Legislature. It was to create a sinking fund for the prompt and faithful payment of principal and interest on the bonds, and taxes for the construction, maintenance and improvement of such public highways, roads and bridges. The Legislature was required to levy in Article XX a special license or privilege tax on automobiles and in Article XX A a special tax upon gasoline. It could not have been the intent that the Legislature should have any other, authority other than the fixing of the number of the members of the Highway Department, and making appropriations to that Department of all of the taxes thus levied, leaving it up to the Highway Department as to the manner and method of expending such money within the provisions and limitations of these two Articles of the Constitution.

It has been held by the Supreme Court that a guaranty added by the State Highway Commission to the bond of a contractor on a Federal Aid Bridge for the protection of the laborers and material was binding on the surety and was within the authority of the State Highway Commission.

Union Indemnity Co. v. State, 114 So. 45; 217 Ala. 35.

All power resides in the Legislature except the limitations imposed by the Constitutions of the State and the United States.

Shepherd v. Dowling, 127 Ala. 1; 28 So. 791.

In Alabama any act of the Legislature is valid unless it violates some expressed provision of the State or Federal Constitution.

Ensley v. Simpson, 166 Ala. 366; 52 So. 61.

Legislative curtailment of Constitutional powers of offices provided for by the Constitution is impliedly forbidden.

Blue v. Smith, 69 W. Va., 761; 72 S. E., 1038

State v. Hastings, 10 Wisc., 525.

Summarizing the situation, it seems to me that the power is conferred upon the Highway Department as the agency through which the State is to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. This being true, there was an implied grant of authority to do anything by that Department within the limits of the funds appropriated to it by the Constitution, and by the Acts of the Legislature levying the special taxes, to be unhampered by Legislative Acts as to the amount of money that should be spent out of this tax for roads or the amount that should be spent out of the taxes for highways or the amount that should be spend out of the tax for bridges alone. The matter being entirely within the discretion of the Highway Department as to the amount allocated for each purpose. The power granted to the Federal Congress to build, post roads, etc., has carried by necessary implication, the power of the Federal Government to construct bridges along these roads and has carried with it other necessary powers to fully effectuate the purposes of the power given that same construction should be placed on Articles XX and XX A, giving to the Highway Department the sole right to judge as to how the funds derived from the gasoline tax and from the tag tax, after paying the principal and interest on the bonds authorized by these Amendments, should be allocated, whether all for building public roads, or whether all for building public highways, or whether all for building public bridges, and that it carries by necessary implication, since the right was given to build, construct, repair and maintain, the power by implication to buy a road or to lease a road or to buy a highway already built or to lease a highway already built, and it seems to me that since the word implication means "an inference of something not directly declared but arising from what is admitted or expressed or arising by intendment or inference rather than by actual expression in words", the bill under consideration having sought to limit the Highway Department to Three Hundred Thousand Dollars per annum to be paid for the lease is a limitation upon the power granted by Article XX and XX A of the Constitution and therefore makes the bill void.

I understand the rule that the Courts construe the Constitution

and Laws, and not the Legislature, but past acts of the Legislature should shed some light upon the theory the Legislature proceeded under in enacting a law.

House Bill No. 319, found on pages 348 to 408, both inclusive, approved August 23, 1927, in keeping with Article XX and Article XX A of the Constitution, sets up by Legislative Act the term of office and the number of officers of the Commission, and of the Highway Department, and establishes it also. Certain duties and powers are likewise set out in this Act. Section 6 makes it the duty of the Department to designate the roads to be constructed, repaired, and maintained, and also to construct, standardize, repair and maintain roads and bridges of this State; to make contracts or agreements, etc., with reference to streets and provide that the Commission shall consider and determine all questions relating to the general policy of the State Highway Department, and the conduct of its work, and in the performance of its duties. The Legislature must have had in mind these Articles of the Constitution at that time. However, it is possible that this Section of the above Act referred to, if the present bill is unconstitutional, gives the authority less the limitations given by Senate Bill No. 19. If the Justices should arrive at the conclusion that this Act is not unconstitutional, I would then appreciate an extension of the powers conferred by the Section of the above mentioned bill for guidance of the Senate in whether or not to pass the bill or let the law remain as is. House Bill No. 341 found on pages 278 to 284, both inclusive, approved August 31, 1927, undoubtedly gives the authority to the Bridge Corporation, under Sub-Division 4 of Section 1 to dispose of its property in any form of legal conveyance or transfer, and of course a lease is a form of legal transfer.

I sincerely trust that the Justices will give to the Senate their opinion as to the constitutionality of the bill, and that they will not think that I have been presumptuous or impertinent in filing with them this brief with the argument set forth as it has been.

Respectfully submitted,

Claude D. Scruggs.

OPINION

The foregoing opinion was read and ordered spread upon the Journal.

RESOLUTION

Mr. Powell offered the following Senate resolution:

S. R. 28. Resolved by the Senate that our esteemed and faithful doorkeeper, Mr. H. G. Ernest, be and he is hereby granted a leave of absence for the week beginning Feby. 20th, his place for the week to be supplied by Mr. Ernest at his expense.

And on motion of Mr. Powell, the Rules were suspended and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 54. To amend Section 8563 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 3.

Yeas:

Messrs.:

Bartlett	Delony	Lusk	Riddle
Beasley	Faulk	McDaniel	Scruggs
Bonner	Garrett	McDowell	Shepherd
Cooper	Goodwin	Millsap	Teasley
Craft	Hildreth	Mullins	Walker
Darden	Kelley	Powell	

—23

Nays:—Messrs. Duncan, Hubbard and Wikle

— 3

The bill:

S. 108. To amend a local Act of the Legislature of Alabama for Winston County approved February 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, so as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2,400.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Riddle
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Brown	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hubbard	Powell	

—31

The bill:

S. 103. To amend Section 5904 of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Mullins
Beasley	Duncan	Lapsley	Powell
Bonner	Fletcher	Lusk	Scruggs
Cooper	Garrett	McDaniel	Shepherd
Cowart	Hildreth	McDowell	Teasley
Craft	Hubbard	Millsap	Wikle
Darden			

—25

The bill:

H. 35. To further regulate the salaries of the Judges of the Tenth Judicial Circuit of Alabama, to provide for the payment of supplemental salaries in addition to the salaries now paid by the State of Alabama, to provide that such supplemental salaries shall be in lieu of all salaries now paid out of the County Treasury of Jefferson County, to regulate the payment of such supplemental salaries and to provide when this Act shall take effect.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Riddle
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Brown	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hubbard	Powell	

—31

The bill:

H. 1. To propose an amendment to the Constitution of Alabama, to be known as Article XXIV, providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary, fees, or compensation of any executive, legislative, or judicial officer of the State or of any subdivision thereof, whether elected or appointed, during his term of office, shall be suspended until October 1, 1935; to empower the Legislature to reduce salary, fees, or compensation during the term of office of any officer, and to make effective any law, heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, on the first day of the month next succeeding the date of ratification of this amendment.

Was taken up.

Mr. Lapsley offered the following substitute for said bill, to-wit: Lapsley substitute for H. 1:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known as Article XXIV in words and figures as follows:

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he

shall have been elected or appointed are hereby suspended until October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment. Provided, however, that should the Legislature as hereinafterwards authorized, adopt an Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent Act or Acts shall control.

Any other Act of the Legislature adopted prior to October 1, 1935 decreasing or diminishing the salary, fees or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective upon and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such Act shall be subject to the provisions of said Constitution in force and effect prior to the adoption of this amendment.”:

and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Tuesday after the expiration of three months from the final adjournment of present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows:

“ARTICLE XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the Legislature as hereinafterwards authorized, adopt an Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount, such subsequent Act or Acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such act shall be subject to the provisions of said constitution in force and effect prior to the adoption of this amendment.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following viz: Shall the following be adopted as an amendment to the Constitution of Alabama?

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or any public officer or of any officer holding any civil office of profit under this State or any County or municipality, thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935.

Any act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the

month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the legislature as hereinafter authorized, adopt an act or acts decreasing or diminishing the salary, fees, or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent act or acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such act shall be subject to the provisions of said constitution in force and effect prior to the adoption of this amendment."

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

On motion of Mr. McDowell, further consideration of said bill and substitute was postponed until the 12th Legislative Day and 500 copies of said substitute ordered printed for the use of the Senate.

ORDER TO PRINT

On motion of Mr. Teasley, 500 copies of each of the bills:

H. 159. To adjust the appropriations heretofore made for all State Departments, agencies, institutions, commissions and boards, herein called agency, where such agency has not for January, 1933, already adjusted its average salary expense to or below seventy per cent of the average salary expense for October 1930.

Also:

H. 160. To adjust salaries and compensation of all employees of the State and of all officers of the State or any agency or institution thereof so that the same shall not be in excess of 70% as of January, 1933, of the compensation of such office or officer for October, 1930, whose salary shall not be taken into computation in adjusting the appropriation for any department or agency or institution of the State by the use of an average comparison of salaries for January, 1933, and October, 1930.

Were ordered printed for the use of the Senate.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Hildreth, further consideration of the bills:

S. 4. To repeal Sections 4615 to 4800, both inclusive, of the Code of Alabama of 1923, and to provide that upon a modification or repeal of any federal statute by the Congress of the United States, whereby the sale of beverages is authorized which contain an alcoholic content of a higher percentage than that now authorized by law in this State, the sale of such beverages so authorized shall become legal in the State of Alabama.

Also:

S. 45. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Was indefinitely postponed.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Eighth Legislative Day, approved.

ADJOURNMENT

At 4:40 P. M., on motion of Mr. McDowell, the Senate adjourned until 10: o'clock tomorrow morning.

NINTH DAY

Friday, February 17th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Donald C. MacGuire of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

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JOURNAL

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Duncan:

S. 134. To provide for the election of a County Superintendent of Education for each of the several counties of Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term of office and compensation of such officer.

Committee on Education.

By Mr. Faulk:

S. 135. To amend Section 151 of the Agricultural Code of Alabama of 1927.

Committee on Agriculture.

By Mr. Faulk:

S. 136. To appropriate out of the General Fund of the State of Alabama to the Department of Agriculture and Industries the sum of One Hundred Thousand Dollars per annum, payable in monthly installments; and to provide that all taxes, fees, commissions or other collections of any kind or description whatsoever collected by the Department of Agriculture and Industries be made a part

of the General Fund of the State of Alabama to be paid into the State Treasury on the first and fifteenth days of each month.

Committee on Finance and Taxation.

By Mr. Faulk:

S. 137. To prohibit the use by State officers and employees, of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (Except in discharge of duties imposed by law on State officers or employees), and to provide a penalty for the violation of this Act.

Committee on Privileges and Elections.

By Mr. Darden:

S. 138. To require the Board of Review of the several counties of this State to give each tax payer of the county whose assessment for taxes are sought to be increased, ten days written notice by Registered United States Mail, with return registration receipt requested, of the time and the place set for the hearing by the said Board of Review of each tax payer's assessment and the amount of the proposed raise, and any increase made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such person; and it is made the duty of the Secretary or Clerk of the Board of Review of the several counties of this State to give such registered notices.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edmundson (with notice and proof):

S. 128. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cowart (with notice and proof):

S. 114. To divide Winston County, Alabama, into five commissioners districts; to provide for the appointment of a commissioner for the 5th district to serve until the general election in 1934; to provide for the election of a county commissioner from each of the five districts by the qualified electors thereof, to provide that the

commissioner of each of said districts shall be elected by the qualified electors of said district only; to provide that the commissioner of districts Nos. 2 and 4 shall be elected in 1936, and from districts Nos. 1, 3 and 5 shall be elected in 1934 and every four years thereafter; and for the repeal of all laws local and general in conflict herewith in so far as the same applies to Winston County, Alabama.

ORDER TO PRINT

On motion of Mr. Mullins, 500 copies of the bill:

S. 105. To provide for holding a convention to revise and amend the Constitution of this State.

Were ordered printed for use of the Senate, and further consideration of said bill postponed until the 11th Legislative Day.

BILLS ON THIRD READING

The bill:

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

Was taken up.

Mr. Hooton offered the following amendment to said bill, to-wit:

Amend Section 2 of Senate Bill No. 112 to read as follows:

Section 2. This bill to be of force and effect at the expiration of 1 year from its passage and approval.

Which was adopted.

Yeas, 17; nays, 2.

Yeas:

Messrs.:

Bartlett

Beasley

Brown

Caffey

Cooper

Darden

Delony

Duncan

Faulk

Goodwin

Hildreth

Hubbard

Kelley

McDowell

Millsap

Scruggs

Wikle

—17

Nays: Messrs. Lapsley and Mullins

— 2

Mr. Bonner offered the following amendment to said bill, to-wit:

Strike the words and figures \$25.00 wherever they appear in said bill, and substitute therefor the words and figures \$35.00.

On motion of Mr. McDaniel, said amendment was laid on the table.

Mr. Garrett moved to reconsider the vote by which the amendment offered by Mr. Hooton was adopted, which motion prevailed and said vote was reconsidered.

Mr. Hildreth moved to lay the amendment offered by Mr. Hooton on the table, which motion prevailed and said amendment was laid on the table.

Mr. Lapsley offered the following amendment to said bill, to-wit:

Amend said bill by striking out the words and figures "Twenty-five Dollars" and insert in lieu thereof "Thirty-five Dollars."

Also amend said bill by striking out Section 2 and by inserting in lieu thereof the following:

"Section 2. This Act shall become effective at the end of the terms of the present Sheriffs of Alabama, unless an amendment to the Constitution is adopted authorizing this bill to become effective during the present terms of said Sheriffs, in which event this bill shall become effective on the first day of the month succeeding the adoption of such Constitutional Amendment."

On motion of Mr. Hildreth, said amendment was laid on the table.

Yeas, 15; nays, 12.

Yeas.

Messrs.:

Beasley

Cowart

Craft

Delony

Duncan

Fletcher

Garrett

Hildreth

Hooton

McDowell

Millsap

Mullins

Powell

Warren

Wikle

—15

Nays:

Messrs.:

Bartlett

Bonner

Brown

Caffey

Cooper

Darden

Faulk

Hubbard

Kelley

Lapsley

Scruggs

Walker

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Mr. Powell offered the following amendment to said bill, to-wit:

Amend Section 2 of Senate Bill No. 112 as follows:

"Section 2. This Act shall become effective upon its passage and approval. Provided, however, if this Act shall be declared unconstitutional as to Officers now holding office, then this Act shall become effective upon the ratification of any proposed constitutional amendment permitting the reduction of salary or fees of said officers during their term of office, and if no such amendment to the Constitution is so ratified by or before the second Tuesday in January, 1935, then this Act shall become effective from and after said second Tuesday in January, 1935.

Mr. Teasley moved to lay said amendment on the table, which motion was lost.

The question then recurred on the adoption of the amendment offered by Mr. Powell, and said amendment was lost.

Yeas, 12; nays, 15.

Yeas:

Messrs.:

Beasley

Duncan

Fletcher

Garrett

Hildreth

Hooton

Lapsley

McDowell

Millsap

Powell

Warren

Wikle

—12

Nays:

Messrs.:

Bartlett
Bonner
Brown
Caffey

Cooper
Cowart
Craft
Darden

Delony
Faulk
Hubbard
Mullins

Scruggs
Teasley
Walker

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Pending further consideration of said bill:

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 28. The House of Representatives and Senate of the State of Alabama in special session of 1933, respectfully urging the Hon. Franklin D. Roosevelt, president elect of the United States, to give full consideration to the qualifications of the Hon. Henry B. Steagall, Chairman of the House Committee in Congress on Banking and Currency before arriving at a definite conclusion as to whom he shall tender the Secretary of Treasury in the next Democratic Cabinet.

Also:

H. J. R. 30. Whereas, the Legislature of Alabama requests the Congress of the United States to extend mortgage loans to farmers.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing resolutions; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Robinson:

H. J. R. 39. Resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, February 21, 1933.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted H. J. R. 39, set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 72. "To amend Section 2006 of the Code of Alabama of 1923".

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 17. To amend Section 373 of the Code of Alabama of 1923.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Ninth Legislative Day, approved.

ADJOURNMENT

At 11:25 A. M., on motion of Mr. Hildreth and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, February 21, 1933, at 12:00 M.

TENTH DAY

Tuesday, February 21st, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Donald C. MacGuire of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

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JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Darden, leave of absence was granted Mr. Craft for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hooton:

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice of proposed legislation for Chambers County, Alabama, to be enacted into law at the Special Extraordinary Session of the Legislature of Alabama to be convened on January 31st, 1933.

A BILL
TO BE ENTITLED
AN ACT

To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to pay the current expenses of said county schools, when the current funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year as it may be construed, or to provide instead of such loans the issuance of interest-bearing warrants to teachers and truck drivers or employees of the said Board.

Be it enacted by the Legislature of Alabama:

Section 1—The County Board of Education of Chambers County, Alabama, shall have authority, upon the recommendation of the County Superintendent of Education, to borrow money on the credit of the school fund of Chambers County, to meet salaries of teachers, truck drivers, other employees, or other current expenses, when the current funds on hand are not sufficient to meet the same, and as security therefor, to pledge the current revenues of the current school year, or the following year as it may be construed. It shall be the duty of the County Board of Education of Chambers County, Alabama, and the County Superintendent of Education to secure such a loan, if practicable or in lieu thereof issue interest-bearing warrants, when the current funds on hand are not sufficient promptly to pay salaries and current expenses. All such current loans, except such as are based on county and district local tax proceeds, shall be payable and paid not later than January 1st or February next after the end of the current school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year. Provided, however, that the County Board of Education of Chambers County, Alabama, may borrow money for said purposes or issue interest-bearing warrants, and pledge as security therefor, issue state warrants, and any such loan may be made to mature either during the school year in which it is negotiated, or after the expiration of such school year, at the discretion of the said County Board of Education. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding school year.

Section 2—All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Section 3—Any loans, or warrants issued heretofore of like nature by the Board of Education of Chambers County, Alabama, under the above provisions or like provisions may be re-ratified by such Board upon the approval of the County Superintendent of Education, and upon such re-ratification and approval shall be as valid as if passed under this Act.

Section 4—Should any section of this Bill, or any part of this Bill be declared unconstitutional, it shall in no wise affect the remaining part or parts of said Bill or sections thereof.

Section 5—This Bill to be of force and effect upon its passage and approval by the Governor.

State of Alabama }
Chambers County. }

Before me, Minnie Stewart, a Notary Public in and for said County and State, personally appeared C. L. Walton, who being by me legally sworn, deposes and says:

I am the publisher of the LaFayette Sun, a newspaper published weekly, in LaFayette, Chambers County, Alabama, and that the attached notice of "A Bill To Be Entitled An Act" was published in said newspaper once a week for four consecutive issues (weekly), beginning with the issue of January 25th, 1933, and appearing in the issues of said newspaper of the following dates: February 1st, 8th and 15th 1933.

C. L. WALTON,
Publisher.

Sworn to and subscribed before me this the 15th day of February 1933.

(Seal) MINNIE STEWART,
Notary Public.

By Mr. Duncan:

S. 140. To amend Subsection 2-D of Section 2 of an act entitled "An act in reference to and to further provide for the General Revenue of the State of Alabama," approved July 22, 1927.

Committee on Finance and Taxation.

By Mr. Brown:

S. 141. To amend Section 3760 of the Code of Alabama.

Committee on Judiciary.

By Mr. Teasley:

S. 142. To require the tax assessors of the several counties in the State in making assessments of real estate for taxation to list and value separately the homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, at 60% of its fair and reasonable market value.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 143. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Committee on Judiciary.

By Mr. Lapsley:

S. 144. To amend Section 6478 of the Code of Alabama, 1923.

Committee on Judiciary.

By Mr. Lapsley:

S. 145. To permit State Banks having a capital of not less than Five Hundred Thousand Dollars, and located in municipalities having a population in excess of ten thousand to establish, maintain and operate branch bank offices and facilities by and with the approval of the Superintendent of Banks.

Committee on Banking and Insurance.

By Mr. Lapsley:

S. 146. To provide for the validation and legalization of licenses heretofore issued under authority of law to physicians and sur-

geons; to provide for the issuance of duplicates; and to provide for the recordation of such licenses.

Committee on Finance and Taxation.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 72. "To amend Section 2006 of the Code of Alabama of 1923".

S. 17. To amend Section 373 of the Code of Alabama of 1923.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sossaman:

H. 108. To fix the compensation of the circuit judges of the State of Alabama in all circuits which are composed of one county having more than two judges and less than nine judges, or in circuits which may hereafter be composed of one county having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the County Treasury of the counties constituting the respective circuits, and to repeal all laws or parts of laws in conflict herewith, and to provide when this act shall go into effect.

Also:

By Mr. Sossaman:

H. 109. To repeal an act of the Legislature of Alabama approved August 16th, 1923, entitled "An Act to fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation

be paid out of the County Treasuries of the counties constituting the respective Circuits."

Also:

By Mr. Taylor:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers; for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," Approved September 9, 1927, as amended by an Act to amend the title and Section 1 of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

Also:

By Mr. Tate:

H. 223. To authorize cities having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to acquire by purchase, construction, condemnation and/or otherwise, and to maintain, improve, extend and operate public utilities, and to borrow money for said purposes, and to provide for the securing and repayment of such money with interest.

Also:

By Mr. Sanderson:

H. 251. To provide for and establish a commission in each county of the State of Alabama having a population of not less than 75,000 and not more than 99,000 inhabitants, according to the last or any subsequent Federal census, to cooperate with the Commissioner of Agriculture and Industries of the State of Alabama for the encouragement of breeding and raising horses, through speed contests of horses and horse exhibitions in such counties; to prescribe the powers, duties and qualifications of such commission; to provide that such commission may authorize speed contests of horses and permit a person, corporation or association to conduct mutual or cooperative pools; to provide for the license therefor; to provide for the payment of necessary expenses of such commission; to provide suitable stakes and purses for such speed contests; to provide for the appointment of such commission and to repeal all laws and parts of laws in conflict herewith.

Also:

By Mr. Barber (notice and proof):

H. 43. For the relief of Lieutenant Charles A. Jones, Junior, First Lieutenant of the One Hundred and Sixth Observation Squadron of the Alabama National Guard.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

To Whom It May Concern:

Notice is hereby given that the following bill will be introduced in the Legislature at its Special Session January 31st, 1933, and its passage applied for:

For the relief of Lieutenant Charles A. Jones, Junior, First Lieutenant of the One Hundred and Sixth Observation Squadron of the Alabama National Guard.

Be it enacted by the Legislature of the State of Alabama:

Section One:

Whereas, on or about June 1st, 1931, Lieutenant Charles A. Jones, Junior, while acting under orders of the Commanding Officer of the One Hundred and Sixth Observation Squadron of the Alabama National Guard, was piloting an airplane of the said One Hundred and Sixth Observation Squadron

of the Alabama National Guard, when said airplane fell from the air to the ground and as a consequence of such the said Lieutenant Charles A. Jones, Junior, was seriously injured and was rendered totally unfit for work for eleven months after that said time.

Section two:

That for and in compensation of his said injuries and loss of time from his work sustained by the said Lieutenant Charles A. Jones, Junior, he be and he is hereby allowed compensation therefor in the sum of twenty five hundred dollars (\$2500.00) out of the General Fund of the Treasury of the State of Alabama.

Section three:

That the State Auditor be, and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Lieutenant Charles A. Jones, Junior, same being payable immediately upon the approval of this Act.

AFFIDAVIT

State of Alabama }
County of Jefferson }

Before me, the undersigned authority, in and for the County and State, aforesaid, personally appeared Geo. M. Howle, who first being duly sworn says that he is the Publisher of The Weekly Call, a weekly newspaper published in said State and County; that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 24th day of December, 1932.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 18 day of January, 1933.

CLARICE BACHUS,

Notary Public.

Also:

By Mr. Grande (notice and proof):

H. 74. To reduce and fix the salary of the Matron of the County Jail of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to reduce and fix the salary of the Matron at the County Jail of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Matron at the County Jail of Mobile County be and the same is hereby reduced to and fixed at \$1,500.00 per year, payable in twelve annual monthly installments out of the Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation,

and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Grande (notice and proof):

H. 81. To reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salaries of each of the three Circuit Court Reporters in the Circuit Court of Mobile County be and the same are hereby reduced to and fixed at \$2,700.00 per year each, payable in twelve equal monthly installments out of the Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath. He does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 93. To fix the compensation of the Judges of the Circuit Court of Mobile County; and to provide that a portion of said compensation be paid out of the County Treasury of Mobile County; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED

AN ACT to fix the compensation of the Judges of the Circuit Court of Mobile County; and to provide that a portion of said compensation be paid out of the County Treasury of Mobile County, and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That each Judge of the Circuit Court of Mobile County shall receive an annual salary of \$6,000.00 of which there shall be paid out of the State Treasury in a manner now provided by law the salary which may now or which may hereafter be prescribed by law for the payment of the Judges of each judicial circuit of the State and the balance of which salary shall be paid out of the County Treasury of Mobile County in twelve equal monthly installments upon the warrant of the president of the Board of Revenue and Road Commissioners of Mobile County.

Section 2. That all laws or parts of laws, whether special, general or local in conflict herewith are hereby repealed.

Section 3. This act shall go into effect immediately unless said salaries are prohibited from being reduced during the present terms of office of said judges by Sections 150, 281, or any other section of the Constitution. This act shall, however, apply to said judges upon the expiration of the present term of office.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 95. To reduce and fix the compensation of the Deputy Register of the Circuit Court of Mobile County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to reduce and fix the compensation of the Deputy Register of the Circuit Court of Mobile County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary or compensation of the Deputy Register of the Circuit Court of Mobile County be and the same is hereby reduced to and

fixed at \$3000.00 per annum, payable in twelve equal monthly installments out of the County Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 96. To reduce and fix the salaries of the three Deputy Clerks of the Circuit Court of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to reduce and fix the salaries of the three Deputy Clerks of the Circuit Court of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. That the salaries of the three Deputy Clerks of the Circuit Court of Mobile County be and the same are hereby reduced to and fixed at \$2700.00 per year each, payable to each in twelve equal monthly installments out of the County Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 103. To reduce and fix the salary of the first Deputy Clerk of the Inferior Criminal Court in Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to reduce and fix the salary of the first Deputy Clerk of the Inferior Criminal Court in Mobile.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the first Deputy Clerk of the Inferior Criminal Court of Mobile County be and the same is hereby reduced to and fixed at \$2100.00 per year, payable in twelve equal monthly installments out of the Treasury of Mobile County.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 104. To permit but not require the County of Mobile to participate in the operation and maintenance of the City Hospital of the City of Mobile, and to permit the County of Mobile and the City of Mobile to make whatever contracts each of said bodies shall deem expedient for the maintenance of said institution; and to repeal all laws or parts of laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to permit but not require the County of Mobile to participate in the operations and maintenance of the City Hospital of the City of Mobile, and to permit the County of Mobile and the City of Mobile to make whatever contracts each of said bodies shall deem expedient for the maintenance of said institution; and to repeal all laws or parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the County of Mobile is permitted, but not required, to aid in the maintenance of the City Hospital of the City of Mobile. It may make such contracts with the City of Mobile for the care of county patients in said Hospital as it may deem expedient, or may refuse to make any contract for the keeping of county patients therein.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State George W. Adams, who, upon oath deposes and says that he is the advertising manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times on January 9, 16, 23, 30, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEO. W. ADAMS.

Sworn and subscribed to before me this 30th day of January, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 198. To abolish the office of Assistant Coroner for Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to abolish the office of Assistant Coroner for Mobile County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the office of Assistant Coroner for Mobile County be and the same is hereby abolished.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State, George W. Adams, who, upon oath deposes and says that he is the Advertising Manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 17th, 24th, 31st and February 7th, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEORGE W. ADAMS.

Sworn and subscribed to before me this 7th day of February, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 199. To allow the Coroner of Mobile County \$200.00 per year for expenses incurred in the operation of his office.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to allow the Coroner of Mobile County \$200.00 per year for expenses incurred in the operation of his office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. There is hereby allowed the Coroner of Mobile County \$200.00 per year out of the general funds of the Treasury of Mobile County for the expense of the operation of his office.

Section 2. Said sum shall be paid annually upon the certificate of the Coroner that he has expended said sum for expenses in the operation of his office, but said expenses need not be itemized.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State, George W. Adams, who, upon oath deposes and says that he is the Advertising Manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 17th, 24th, 31st and February 7th, 1933. He does further certify that the Mobile Times is a newspaper of general circulation published in Mobile County, Alabama.

GEORGE W. ADAMS.

Sworn and subscribed to before me this the 7th day of February, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman (with notice and proof):

H. 202. To create a Commission For The Collection of Delinquent Licenses in Mobile County; to prescribe the duties thereof, define the powers, fix the term of office, the method of appointment, the compensation of the Commissioners; to provide for the transfer of the duties of the State License Inspector and the Revenue Constable of Mobile County to such Commission; to provide for the collection of fees fixed by law for License Inspectors; and to provide for the duties and regulations of such Commission; and to provide that such Commission shall be composed of Harry D. Childers who shall hold office until the first Monday after the second Tuesday of January 1935, and Angelo S. Puckett who shall hold office until January 1, 1937; and to provide for the repeal of

all laws and parts of laws in conflict herewith; and to provide when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL
TO BE ENTITLED

AN ACT to create a Commission for the Collection of Delinquent Licenses in Mobile County; to prescribe the duties thereof, define the powers, fix the term of office, the method of appointment, the compensation of the Commissioners; to provide for the transfer of the duties of the State License Inspector and the Revenue Constable of Mobile County to such Commission; to provide for the collection of fees fixed by law for License Inspectors; and to provide for the duties and regulations of such Commission; and to provide that such Commission shall be composed of Harry D. Childers, who shall hold office until the first Monday after the second Tuesday of January, 1935, and Angelo S. Puckett, who shall hold office until January 1, 1937; and to provide for the repeal of all laws and parts of laws in conflict herewith; and to provide when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created a Commission for the Collection of Delinquent Licenses in Mobile County.

Section 2. It shall be the duty of said Commission to examine the records and stubs kept in the office of the Probate Judge of the licenses recorded for each city or town located in said county, and if it shall be reported to or come within the knowledge of said Commission that any person, firm or corporation has failed or refused to take out license for a business or occupation for which a license is required the said Commission shall forthwith cite such delinquent to appear before it at the courthouse of Mobile County and show cause why the license or privilege tax required by law has not been paid, and if such delinquent fails or refuses to take out the license required, the said Commission shall institute or cause to be instituted criminal proceedings against such delinquent before some court of competent jurisdiction for such offense.

In case of emergencies, the said Commission must commence the criminal proceedings in the first place. It shall be the duty of said Commission to forward to the State Tax Commission at Montgomery on November 1st of each year and quarterly thereafter the names and addresses of all persons, firms or corporations in all cities and towns located in said county who have taken out a city license for a business or occupation for which a state license or privilege tax is required by the State. The members of said Commission shall have the same power to arrest persons violating the Revenue Laws of the State as are now vested in the License Inspectors and Sheriffs of the State.

Section 3. The term of office of said Commissioners shall be for four years, and one member thereof shall be appointed by the State Tax Commission and one member thereof by the Board of Revenue and Road Commissioners of Mobile County.

Section 4. This Act shall go into effect immediately, and the members of said Commission shall be Harry D. Childers, who shall hold said office

and constitute a member of said Commission until the first Monday after the second Tuesday, January, 1935, and Angelo S. Puckett, who shall hold office until January 1, 1937.

Section 5. Said Commission shall maintain an office at the Court House of Mobile County, and shall be subject to impeachment for the same cause and in the same manner as other county officers. Any vacancies in the office of said Commission shall be filled by the body appointing the Commissioner whose office is vacated but any vacancy in said Commission prior to the expiration of the terms of the Commissioners named in this Act shall be filled by the Board of Revenue and Road Commissions of Mobile County.

Section 6. Before entering upon the duties of their office, the Commissioners shall take the oath of office prescribed by the Constitution, and shall make and enter into such bond in such sum as may be fixed by the State Tax Commission, give surety thereon satisfactory to the State Tax Commission and conditioned in all respects as the bonds of State License Inspectors are now conditioned, which bonds shall be filed with the State Tax Commission. Said Commission shall have all of the powers now vested in the State License Inspector for Mobile County, and the Revenue Constable for Mobile County, and shall collect all fees now provided by law for the State License Inspector in Mobile County, and said Commissioners shall receive as their compensation for their services each half of the fees collected by the Commissioner for the collection of delinquent licenses.

Section 7. All laws or parts of laws in conflict herewith are hereby repealed.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State, George W. Adams, who, upon oath deposes and says that he is the Advertising Manager of the Mobile Times, Inc., a Corporation, and duly authorized by said Corporation to make this oath, and he does hereby certify that the attached notice appeared in the issues of the Mobile Times of January 18th, 25th, February 1st, 8th, 1933.

GEORGE W. ADAMS.

Subscribed and sworn to before me this 8 day of February, 1933.

VENOL R. JANSEN,
Notary Public, Mobile County, Alabama.

Also:

By Mr. McGraw (with notice and proof):

H. 209. To repeal "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties", in-so-far as it applies to Shelby County, Alabama, which said local Act was adopted by an Act of the Legislature of Alabama, approved February 20, 1889, and appearing in the Acts of Alabama 1888-89 at page 471.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama, beginning on the 31st day of January, 1933, for the enactment of the following local law for Shelby County, Alabama.

AN ACT

To repeal "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties", in-so-far as it applies to Shelby County, Alabama, which said local Act was adopted by an Act of the Legislature of Alabama, approved February 20, 1889, and appearing in the Acts of Alabama 1888-89 at page 471.

BE IT ENACTED by the Legislature of Alabama as follows:

SECTION ONE. That a local Act of the Legislature of Alabama entitled "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties", approved February 20, 1889, and appearing in Acts of Alabama 1888-89 at page 471, be and the same is hereby repealed, in-so-far as it relates to Shelby County, Alabama.

SECTION TWO. The purpose of the Legislature in repealing this Act is hereby declared to be to reinstate the general laws of Alabama relating to fines and forfeitures as incorporated in Section 4038 of the Code of Alabama of 1923.

SECTION THREE. If any section of this Act is unconstitutional, or held to be so, it shall not affect the other provisions not offensive to the Constitution.

The State of Alabama, }
Shelby County. }

Personally appeared before me, Register of the Circuit Court, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper four weeks consecutively, towit, in the issues thereof dated as follows: January 12-19-26-February 2, 1933.

LUTHER FOWLER,
Publisher.

Subscribed and sworn to before me this 7 day of February 1933.

J. M. LEONARD, JR.,
Register of the Circuit Court.

Also:

By Mr. McGraw (with notice and proof):

H. 211. To further provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama, beginning on the 31st day of January, 1933, for the enactment of the following local law for Shelby County, Alabama.

AN ACT

To further provide for the control, working, maintenance, building and improvement of the public roads and improvement of the public roads and bridges of Shelby County, Alabama.

BE IT ENACTED by the Legislature of Alabama as follows:

SECTION ONE. That the Board of Revenue of Shelby County, Alabama, shall have the authority to appoint a Chief Supervisor of public roads

and bridges in said County, to fix his salary, term of office and prescribe his duties, and may remove him from office at any time, by a majority vote of said Board. The compensation or salary of such Supervisor of roads shall be paid out of the County Treasury at such times and in such amounts as said Board of Revenue shall prescribe, upon warrants ordered and approved by said Board of Revenue, and such warrants to be signed by the President of said Board of Revenue.

SECTION TWO. At the discretion of the Board of Revenue of Shelby County, Alabama, the working, maintenance, building and improvement of the public roads and bridges of said County, may be entrusted to a Chief Supervisor of public roads and bridges, as provided for in Section One of this Act, or said work may be supervised and directed by the members of said Board, acting through its several members, as road supervisors in their several districts, or by such other method as may be determined upon by said Board of Revenue by resolution duly adopted. If the duty of working, maintaining, building and improvement of the public roads and bridges of said County be done by districts and the supervision of such work, maintenance, building and improvement be entrusted to the Commissioner from the District in which said road and bridges are situated, the compensation of such member of the Board of Revenue as Road Supervisor for his District, shall be not exceeding four dollars per day for the time actually spent by such commissioner in the discharge of such duties, to be fixed by said Board of Revenue, by resolution duly adopted prior to the rendition of such services. Before any warrant is issued or payment made for any service provided by this Act, the claim shall be first duly audited and approved by said Board of Revenue, and, when thus approved, it shall be paid as other claims against the County are paid.

SECTION THREE. All laws in conflict with the provisions of this Act are hereby repealed, in-so-far as they relate to Shelby County, Alabama.

The State of Alabama, }
Shelby County. }

Personally appeared before me, Register of the Circuit Court, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper four weeks consecutively, to wit, in the issues thereof dated as follows: January 12-19-26-February 2 1933.

LUTHER FOWLER,
Publisher.

Subscribed and sworn to before me this 7 day of February 1933.

J. M. LEONARD, JR.,
Register of the Circuit Court.

Also:

By Mr. McGraw (with notice and proof):

H. 212. To repeal Sections 1, 2 and 3 of an Act approved April 22, 1911, entitled, "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County," which Act appears at pages 341, 342, 343, 344, 345, 346, 347, 348 and 349 of the Local Acts of Alabama, 1911, as amended by an Act of the Legislature of Alabama of 1915, approved September 4, 1915, and entitled "An Act to amend sec-

tions 7, 8, 13, 9, 18 and 22 of an act entitled 'An Act to provide for the control, working, maintenance, building and improvements of the public roads and bridges of Shelby County, Alabama'", as follows:

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama, beginning on the 31st day of January, 1933, for the enactment of the following local law for Shelby County, Alabama.

AN ACT

To repeal Sections 1, 2 and 3 of an Act approved April 22, 1911, entitled, "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County," which Act appears at pages 341, 342, 343, 344, 345, 346, 347, 348 and 349 of the Local Acts of Alabama, 1911, as amended by an Act of the Legislature of Alabama of 1915, approved September 4, 1915, and entitled, "An Act to amend sections 7, 8, 13, 9, 18, and 22 of an act entitled an act to provide for the control, working, maintenance, building and improvements of the public roads and bridges of Shelby County, Alabama," as follows.

SECTION ONE. That Sections 1, 2 and 3 of an Act entitled "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County" approved April 22, 1911, and appearing in the Local Acts of Alabama at page 341, as amended by "An Act to amend sections 7, 8, 13, 9, 18 and 22 of an act entitled an act to provide for the control, working, maintenance, building and improvement of the public roads and bridges in Shelby County, Alabama" approved September 4, 1915, and appearing in Local Acts of Alabama 1915, at page 285, be and the same are hereby repealed.

The State of Alabama, }
Shelby County. }

Personally appeared before me, Register of the Circuit Court, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper four weeks consecutively, to wit, in the issues thereof dated as follows: January 12-19-26-February 2, 1933.

LUTHER FOWLER,
Publisher.

Subscribed and sworn to before me this 7 day of February 1933.

J. M. LEONARD, JR.,
Register of the Circuit Court.

Also:

By Mr. Carmichael (with notice and proof):

H. 218. To enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent

for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that I will pass if possible at the next extraordinary session of the legislature the following act which is in substance as follows:

AN ACT.

To Enlarge the duties now imposed by law on the Board of County Commissioners or County Board of Revenue of Colbert County, to authorize such board as now constituted or hereafter may be constituted to become the sole purchasing agent for the County of Colbert of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix a penalty for failure to comply with this act.

C. E. CARMICHAEL.

The State of Alabama, }
Colbert County. }

Personally appeared before me, Susie Harris, Notary Public, for said County and State, O. P. Anderson, known to me to be Business Mgr. of the Tri Cities Daily, a newspaper published once a day in said County and State, with the exception of Sunday, who, on oath says; That the notice attached hereto ran for four consecutive weeks in said paper.

O. P. ANDERSON,
Business Mgr.

Subscribed and sworn to before me this 6th day of February, 1933.

SUSIE HARRIS.

My commission expires Feb. 4, 1936.

Also:

By Mr. Stewart (with notice and proof):

H. 235. To provide for the election of a County Superintendent of education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent of Education shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such

elected Superintendent of Education, and his successors, shall commence their terms of office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE!

Notice is hereby given that in the extra session of the Legislature, to begin January 31, 1933, a bill will be introduced to elect the County Superintendent of Education of Bibb County by the people in the November election, 1934.

(a) To fix his salary at not more than \$2,000.00 a year.

(b) To fix the term of his office.

(d) To provide for his attendance upon and supervision of schools in Bibb County.

This the 29 day of Dec. 1932.

N. E. STEWART.

Feb. 11, 1933.

State of Alabama }
Bibb County. }

Before me, W. L. Pratt, Judge of Probate in and for said County and State, personally appeared J. W. Oakley, who after being duly sworn, deposes and says that the attached notice was published in The Centreville Press for 4 consecutive weeks.

J. W. OAKLEY,
Publisher.

This 11th day of Feb., 1933.

W. L. PRATT,
Judge of Probate.

Also:

By Mr. Allen (with notice and proof):

H. 237. To alter or rearrange and fix and establish the boundary line of that portion of the City of Gadsden, Alabama, that lies West of the Coosa River and to incorporate within the corporate limits of said City all the territory bounded by said line and the West bank of the Coosa River, which territory includes all the territory formerly within the corporate limits of Alabama City, Alabama, and other territory.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the special session of the Legislature of Alabama which will convene on the 31st day of January, 1933, and its enactment asked, which bill shall be in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter or rearrange and to fix and establish the boundary line of that portion of the City of Gadsden, Alabama, that lies west of the Coosa River and to incorporate within the corporate limits of said city all the terri-

tory bounded by said line and the west bank of the Coosa River, which territory includes all the territory formerly within the corporate limits of Alabama City, Alabama, and other territory.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary line of that portion of the City of Gadsden in the county of Etowah, state of Alabama, lying west of the Coosa River, be and the same is hereby altered or rearranged and fixed and established so as to include within the corporate limits of said city all that territory lying within the County of Etowah included and embraced within the boundaries herein set out, to-wit:

Beginning at a point where the north line of the south half of Sections 10 and 9, Township 12 south, Range 6 east, and the present boundary line of the City of Gadsden, Etowah County, Alabama, intersects the west bank of the Coosa River; thence west along said north line of the south half of said sections to the northeast corner of the southwest quarter of said Section 9; thence south along the center north and south line of said Section 9 to the northeast corner of the southeast quarter of the southwest quarter of said Section 9; thence south 7 degrees and 30 minutes west and along the east line of the southeast quarter of the southwest quarter of said Section 9 and along the east line of lots 3, 6, 9 and 11 in Section 16, Township 12 south, Range 6 east, and along said line extended to where the same intersects the south bank of Big Wills Creek; thence in an easterly direction along the south bank of said Big Wills Creek a distance of 250 feet to a point where the east line of Clubview Heights or said east line extended in a northerly direction intersects the south bank of said creek; thence south 2 degrees and 30 minutes east and along the line between the Morgane property and Clubview Heights to where said line intersects the north line of Rainbow Drive, which point is the southeast corner of block 6 of Clubview Heights; thence south 53 degrees 30 minutes west along the north line of said Rainbow Drive to where said north line of Rainbow Drive intersects the southwest line of block 9 of the rearrangement of blocks 8, 9, 10 and 16, of the original survey of Clubview Heights, according to map of said rearrangement of said blocks recorded in the office of the judge of probate of Etowah County, Alabama, in Book of Town Plats "C," Pages 68 and 69, which point is the southwest corner of said block 9; thence north 48 degrees west and along the southwest line of said blocks 9, 10 and 16, of said rearrangement, to the southwest corner of said block 16; thence in a northeasterly direction along the westerly line of said block 16 of said rearrangement to where the same intersects the west line of farm lot No. 4 of Clubview Heights as the same is shown on map or plat of said rearrangement of blocks 8, 9, 10 and 16 of the original survey of Clubview Heights, which point is on the north line of lot 17 in said block 16 of said rearrangement; thence in a northerly direction and along the west line of said farm lot No. 4 of Clubview Heights a distance of 480 feet to the south bank of Big Wills Creek; thence down the south bank of said creek following the meanderings thereof a distance of 2,295 feet, more or less, to a point thereon which is 202.4 feet west of the east line of lot 11 in said Section 16 extended from the north bank of said creek to the south bank thereof; thence north 7 degrees 30 minutes east 5,140 feet to the north line of the south half of the southeast quarter of the southwest quarter of said Section 9; thence in a westerly direction and along the north line of said south half of the southeast quarter of the southwest quarter of said Section 9 to the northwest corner of the south half of the southeast quarter of the southwest quarter of said Section 9; thence in a northerly direction and along the west line of said southeast quarter of the southwest quarter of said Section 9 to the northwest corner of said southeast quarter of the southwest quarter of said Section 9; thence in a westerly direction and along the north line of the south half of the south half of Sections 9 and 8 in said Township 12 south,

Range 6 east, to a point where said land line intersects the west line of South Eleventh Street in the City of Gadsden, Alabama; thence in a southwesterly direction along the northwest boundary line of the Steele Station public road to a point thereon where said road turns west and parallel with the south line of Section 8, Township 12 south, Range 6 east, which point is 25 feet north of the south line of said Section 8; thence west along the north line of said road and 25 feet north of the south line of Sections 8 and 7, Township 12 south, Range 6 east, to where said road leaves said section line; thence continuing along the northeast line of said road in a northwesterly direction to where said northeast line of said road intersects the center east and west line of said Section 7; thence west and along the south line of lot No. 5 in said Section 7, and the south line of the east half of the northeast quarter of Section 12, Township 12 south, Range 5 east, to the southwest corner of said east half of the northeast quarter of said Section 12; thence north to the northwest corner of the northeast quarter of the northeast quarter of said Section 12; thence west along the section line between Sections 1 and 12, Township 12 south, Range 5 east, to the southwest corner of Section 1, Township 12 south, Range 5 east; thence north along the west line of said Section 1 to the northwest corner of said Section 1; thence west along the east and west line dividing Townships 11 and 12 of Range 5 east to the west bank of Little Wills Creek; thence in a northerly direction along the west bank of said Little Wills Creek with its meanderings to where said west bank intersects the north line of Section 35, Township 11 south, Range 5 east; thence east along the north line of Sections 35 and 36, Township 11 south, Range 5 east, and along the north line of Sections 31 and 32, Township 11 south, Range 6 east, to the northeast corner of the northwest quarter of the northwest quarter of said Section 32; thence south along the east line of the west half of the northwest quarter of said Section 32 to the southeast corner of the southwest quarter of the northwest quarter of said Section 32; thence west and parallel with the north line of said Section 32 to the east bank of Black Creek; thence along said east bank of said Black Creek in a southerly direction to where the same intersects the north line of the south half of the south half of said Section 32; thence east and along the north line of said south half of the south half of said Section 32 to the southwest corner of the northwest quarter of the southeast quarter of said Section 32; thence north and along the west line of said northwest quarter of the southeast quarter of said Section 32 a distance of 648.4 feet to a point; thence east and parallel with the south line of said Section 32 to the east line of said Section 32; thence south along the east line of said Section 32 to the southeast corner of the northeast quarter of the southeast quarter of said Section 32; thence east and along the north line of the south half of the south half of Sections 33 and 34, Township 11 south, Range 6 east, to where the same intersects the center north and south line of said Section 34, at the northeast corner of the southeast quarter of the southwest quarter of said Section 34; thence south along the center line of Section 34, Township 11 south, Range 6 east, and the center line of Section 3, Township 12 south, Range 6 east, to where said line intersects the west bank of the Coosa River; then southerly along said west bank of said Coosa River to the point of beginning.

Sec. 2. That the boundaries set out in Section 1 of this Act be and the same are hereby fixed and established as the corporate limits of the portion of said City of Gadsden, Alabama, lying west of the Coosa River, and all the territory included and embraced within said boundaries, which includes the territory formerly within the corporate limits of Alabama City, Alabama, and other territory, shall hereafter be and constitute a part of the City of Gadsden, Alabama.

Sec. 3. That the portion of the boundary line of the City of Gadsden, Alabama, that lies east of the Coosa River shall remain as it was prior to the passage of this act.

Sec. 4. That all laws and parts of laws, both general, special and local, in conflict with this act be and the same are hereby repealed.

Sec. 5. That this act shall go into effect immediately upon its approval by the governor.

This, the 11th day of January, 1933.

G. C. ALLEN.

State of Alabama }
County of Etowah }

Before me, Nina B. Johnston, a Notary Public in said county in said state, personally appeared B. H. Mooney, who being by me first duly sworn, deposes and says that he is the publisher of The Gadsden Times, a daily newspaper published in said county, and that the attached notice "A bill to be entitled an act to alter and rearrange and fix and establish the boundary line of the City of Gadsden" has been published in the said newspaper four consecutive weeks, to-wit: January 12, 19, 26 and February 2, 1933.

B. H. MOONEY,
Publisher.

Sworn to and subscribed before me this the 11th day of February, 1933.

NINA B. JOHNSTON,
Notary Public.

Also:

By Mr. Fite (with notice and proof):

H. 249. To require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply for the passage at the extraordinary session of the Legislature to convene on Jan. 31, 1933, of a local law for Marion County, Alabama, the substance of which is as follows:

Be it enacted by the Legislature of Alabama:

Section 1. That twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, shall be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, which are now outstanding, and which were issued for the purpose of con-

structing public roads in said county, authorized by an election held on the first day of November, 1913.

Section 2. That the county treasurer shall, upon receipt of any of such funds, immediately set aside said twenty-five per cent thereof in a special fund to be used for the retirement of said bonds, and which said funds so set aside shall not be used for any other purpose.

Section 3. The commissioners court of said county may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds or any portion thereof, with said funds.

Section 4. That upon final payment and retirement of said bonds, all such funds received by Marion County from the said tax described in Section 1 hereof shall be used as provided by the general laws of Alabama.

Section 5. The provisions of this Act shall take effect on July 1, 1933. This January 16, 1933.

ERNEST B. FITE.

State of Alabama, }
Marion County. }

Before me, W. H. Cantrell, Judge of Probate in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 13th day of February, 1933, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 4, the 19th day of Jan., 1933.

No. 5, the 26th day of Jan., 1933.

No. 6, the 2nd day of Feb., 1933.

No. 7, the 9th day of Feb., 1933.

And said publication was made without cost to the State of Alabama.

F. B. McKENZIE,
Publisher.

Sworn to and subscribed before me, this 13th day of February, 1933.

W. H. CANTRELL,
Judge of Probate.

Also:

By Mr. Rish (with notice and proof):

H. 256. To provide for the compensation of the members of the Board of Review of Houston County, Alabama, while serving in that capacity, said compensation to be in addition to the salary received as members of the Board of County Commissioners of said County, under local Act 1931, page 266, et seq, approved July 23, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF THE PUBLICATION OF A LOCAL ACT

The following bill will be introduced at the Special session of the Legislature, which convenes on the 31st day of January, 1933, and an effort will be made to pass same:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of the members of the Board of Review of Houston County, Alabama, while serving in that capacity, said compensation to be in addition to the salary received as members of the Board of County Commissioners of said County, under local Act 1931, page 266, et seq, approved July 23, 1931.

Be it enacted by the Legislature of Alabama.

Section 1. That the members of the Board of Review of Houston County, Alabama, shall receive, while serving in that capacity, in addition to the compensation received as members of the Board of County Commissioners of said County, under local Act of 1931, page 266 et seq, approved July 23rd, 1931, the sum of \$2.00 per day, and in addition thereto five cents per mile, while traveling to and from their home to the County Courthouse, the place of holding their meetings, by the shortest route. Section 2. That, provided however, said compensation shall be drawn by the members of said Board of Review for a period not to exceed twelve days per annum, and the total amount drawn by any member shall not exceed the sum of \$4.00 per day for said period of time.

Section 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

PUBLISHER'S AFFIDAVIT

State of Alabama, }
Houston County. }

Personally appeared before the undersigned, a Notary Public in and for said county and state J. L. Dell Manager of the Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, who deposes and says on oath that a copy of the attached advertisement appeared once a week for 4 consecutive weeks on the following dates Jan. 19 & 26, February 2 & 9, 1933 in The Houston Herald.

Signed J. L. DELL,
Editor-Manager, The Houston Herald.

Sworn to and subscribed before me this the 13 day of Feb., 1933.

BRUNIE CREWS,
Notary Public.

Also:

By Mr. Yerby:

H. 136. To amend Section 1999 of the Code of Alabama.

Also:

By Mr. Harrison:

H. 227. To amend Section 5132 of the Code of Alabama of 1923.

Also:

By Mr. Hansbrough:

H. 62. To amend Section 317 of the Code of Alabama of 1923.

Also:

By Mr. Taylor:

H. 255. To provide for the exemption from jury duty of certain persons unless they consent to serve.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 223, to the Committee on Banking and Insurance.

H. 251, to the Committee on Municipalities and Municipal Organizations.

House bills 43, 249, and 62, to the Committee on Finance and Taxation.

H. 136, to the Committee on Printing.

House bills 227 and 255 to the Committee on Judiciary.

House bills 108, 109, 179, 74, 81, 93, 95, 96, 103, 104, 198, 199, 202, 209, 211, 212, 218, 235, 237, and 256, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. Tunstall:

H. 169. To limit, fix and reduce the salary, compensation and/or fees of all officers, employees or agents of the State or any department thereof including all persons engaged in teaching school or supervising or directing the teaching or in any way employed or engaged in performing any service for the State or any department thereof, whenever any part thereof is payable out of State funds or funds or monies collected for any department or agency of the State under any law to not exceeding seventy per cent of the amount paid or contracted to be paid or received for the same or similar service on October 1st, 1930.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 169 to the Committee on Finance and Taxation.

CALENDAR BILL RE-REFERRED

On motion of Mr. Mullins, the bill:

S. 80. To amend Section 8355 of the Code of Alabama of 1923.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Judiciary.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the last Legislative Day, which was the bill:

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

Mr. Powell offered the following substitute for said bill, to-wit:
Substitute for Senate bill No. 112:

A BILL

To be entitled An Act to amend Section 4659 of the 1923 Code of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 4659 of the 1923 Code of Alabama be and the same is hereby amended to read as follows:

SECTION 1. When any person is convicted of violating the provisions of Sections 4656 and 4657, Article Three, Chapter 167, of the Criminal Code of Alabama, 1923, there shall be charged in the bill of cost a sum of Thirty-Five Dollars, from and after the time that this Act becomes effective, and up to the second Tuesday in January 1935, and after said date the sum of Twenty-Five Dollars, to be allowed the person who furnished the evidence and brought about the conviction of any person or persons for the violation of the said referred to statutes. The person so claiming said respective sum as above specified, shall satisfy the presiding judge that he is the person entitled to same, and shall receive from the judge a certificate to that effect, and such person may be the sheriff of the county, deputy, or any other person furnishing the evidence necessary for conviction.

Provided, however, that from and after the second Tuesday in January, 1935, the sum so paid under this Section shall be limited to Twenty-Five Dollars.

And, Provided further, after this Act becomes effective, that only one such amount shall be paid under this Section for a conviction of any number of persons, more than one, for a violation of either of said referred to Sections where the evidence shows that the still, apparatus or appliance, is one and the same.

Mr. Delony offered the following amendment to said substitute, to-wit:

Amend Substitute for Senate Bill 112 by striking from Section One (1) of said Substitute the words:

"That from and after the second Tuesday in January 1935, the sum so paid under this section shall be limited to Twenty-Five (\$25.00) dollars where they appear together therein and inserting in lieu thereof the words,

"That from and after the Second Tuesday in January 1935, no sum shall be paid under this Section."

On motion of Mr. Bonner, said amendment was laid on the table.

Mr. Teasley offered the following amendment to said substitute, to-wit:

Amend substitute for S. 112 by striking out the words "Twenty-five Dollars" where they appear in said bill, and insert in lieu thereof the words "One Dollar".

Amend further by striking out the words "Thirty-five Dollars" where they appear in said bill, and insert in lieu thereof the words, "One Dollar."

On motion of Mr. Bonner, said amendment was laid on the table.

Yeas, 20; nays, 9.

Yeas:

Messrs.:

Bartlett	Cooper	Faulk	Powell
Beasley	Cowart	Garrett	Scruggs
Bonner	Darden	Goodwin	Shepherd
Brown	Delony	Hooton	Walker
Caffey	Duncan	Hubbard	Wikle

—20

Nays:

Messrs.:

Edmundson	Lusk	Millsap	Teasley
Fletcher	McDaniel	Mullins	Warren
Lapsley			

— 9

Mr. Bonner moved that said bill and pending substitute be indefinitely postponed.

Mr. Scruggs moved to table the motion of Mr. Bonner which motion prevailed and the motion to indefinitely postpone was laid on the table.

Yeas, 24; nays, 5.

Yeas:

Messrs.:

Bartlett	Edmundson	Hubbard	Scruggs
Beasley	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Delony	Goodwin	Millsap	Warren
Duncan	Hooton	Powell	Wikle

—24

Nays: Messrs. Bonner, Brown, Caffey, Darden and Mullins

— 5

The question then recurred on the adoption of the substitute offered by Mr. Powell, and said substitute was adopted.

Yeas, 25; nays, 4.

Yeas:**Messrs.:**

Bartlett	Edmundson	Hubbard	Scruggs
Beasley	Faulk	Lapsley	Shepherd
Brown	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Delony	Hooton	Powell	Wikle
Duncan			

—25

Nays: Messrs. Bonner, Caffey, Darden and Mullins

— 4

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 4.

Yeas:**Messrs.:**

Bartlett	Edmundson	Hubbard	Scruggs
Beasley	Faulk	Lapsley	Shepherd
Brown	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Delony	Hooton	Powell	Wikle
Duncan			

—25

Nays: Messrs. Bonner, Caffey, Darden and Mullins

— 4

RECESS

At 1:00 P. M., on motion of Mr. Beasley, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—TENTH DAY

Tuesday, February 21st, 1933.

The Senate re-assembled at 3:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL**Present:****Messrs.:**

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Hooton	Riddle
Bonner	Duncan	Hubbard	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle

—32

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Goode:

H. J. R. 42. Resolved by the House, the Senate concurring, That when the two Houses adjourn today, they adjourn to meet again on Friday, February 24, 1933, at 10:00 A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted H. J. R. 42, set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 35. To further regulate the salaries of the Judges of the Tenth Judicial Circuit of Alabama, to provide for the payment of supplemental salaries in addition to the salaries now paid by the State of Alabama, to provide that such supplemental salaries shall be in lieu of all salaries now paid out of the County Treasury of Jefferson County, to regulate the payment of such supplemental salaries and to provide when this act shall take effect.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

H. 8. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Was taken up.

The Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Sec. 1 of House Bill No. 8 by striking out the figure 2 in line six thereof and substituting in lieu thereof the figure 4.

Which was adopted.

Yeas, 19; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Riddle	
Beasley	Duncan	Hooton	Teasley	
Brown	Faulk	Lapsley	Warren	
Cooper	Garrett	Mullins	Wikle	
Darden	Goodwin	Powell		—19

Nay: Mr. Scruggs — 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 3.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell	
Beasley	Edmundson	Hubbard	Riddle	
Brown	Faulk	Lapsley	Teasley	
Cooper	Garrett	Millsap	Warren	
Darden	Goodwin	Mullins	Wikle	—20

Nays: Messrs. Duncan, Hooton and Scruggs — 3

The bill:

H. 51. "To amend subdivision G of Section 2 of an act entitled an act "in reference to and to further provide for the General Revenue of the State of Alabama," approved August 22nd, 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

Was taken up.

The Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to amend subdivision G of Section 2 of an act entitled an act "in reference to and to further provide for the General Revenue of the State of Alabama," approved August 22, 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That subdivision G of Section 2 of an act entitled an act in reference to and to further provide for the General Revenue of the State of Alabama, approved August 22, 1923, and included as subdivision (9) of Section 3022 of the printed Code of Alabama, 1923, be and is hereby amended so as to read as follows:

(9) All cotton or other agricultural products which have been raised or grown in the State of Alabama, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of a co-operative association, for all time, and for a period of one year, in the hands of the purchaser or the manufacturer; also provisions and supplies on hand for the current year for the use of the family and the making of the crop; all wearing apparel; farming tools to the value of one hundred dollars; tools, and implements of mechanics to the value of one hundred dollars; and the following property to be selected by the head of each family and not to exceed in the aggregate one hundred and fifty dollars; namely cows, calves, hogs, sheep, household and kitchen furniture, and sewing machines.

Mr. Lapsley offered the following amendment to said substitute to-wit:

Amend by adding to said substitute at the end thereof the following words; viz: "provided that no property or subject of taxation mentioned in this subsection (except cotton) shall be exempt from taxation, nor shall any credit, abatement, or reduction be allowed therefrom unless such property or subject of taxation (except cotton) is entered by the taxpayer upon an assessment list and returned by him under oath to the tax assessor."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 24; nays, 2.

Yeas:

Messrs.:

Bartlett	Fletcher	Lapsley	Scruggs
Beasley	Garrett	Lusk	Shepherd
Cooper	Goodwin	McDaniel	Teasley
Darden	Hildreth	Mullins	Walker
Delony	Hooton	Powell	Warren
Edmundson	Hubbard	Riddle	Wikle

—24

Nays: Messrs. Brown and Faulk

— 2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Riddle
Beasley	Faulk	Lapsley	Scruggs
Cooper	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Teasley
Craft	Goodwin	Millsap	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton	Powell	Wikle

—28

The bill:

S. 125. To further provide for the constitution, jurisdiction and procedure of inferior courts of record in all Counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal census and known as County Court of Common Claims, established by the Act approved July 20th, 1931; to increase the jurisdiction of such Courts to cases where the amount involved does not exceed the sum of One Thousand Dollars (\$1000.00); to provide for two divisions of said Court, and that the clerk of said Court shall serve both divisions of said Court, to create an additional Judge for such Court and to fix the term, qualifications and salary of such Judge, and to provide for his appointment.

Was taken up.

Mr. Edmundson offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to further provide for the constitution, jurisdiction and procedure of inferior courts of record in all counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal census, and known as County Court of Common Claims, established by the Act approved July 20th, 1931; to extend the jurisdiction of such Courts to cases where the amount involved does not exceed the sum of One Thousand Dollars (\$1000.00); to provide for two divisions of said Court, and that the Clerk of said Court shall serve both divisions of said Court, to create an additional Judge for such Court and to fix the term, qualifications and salary of such Judge, and to provide for his appointment; to provide for drawing juries and for jury trials in said Courts.

Be it enacted by the Legislature of Alabama:

SECTION 1.—That the courts of Common Claims heretofore established in all Counties of this State having a population of 300,000 or more according to the last or any subsequent Federal census, by the Act approved July 20th, 1931, shall have and exercise in their respective counties, concurrently with the Circuit Court, jurisdiction in civil cases where the amount involved exceeds the sum of One Hundred Dollars (\$100.00) and does not exceed the sum of One Thousand Dollars (\$1000.00), and shall have original, but not exclusive jurisdiction in actions of forcible entry and unlawful detainer.

SECTION 2.—Such Court shall consist of two divisions known as Division Number One and Division Number Two, and the Clerk of said court shall serve as Clerk of each of said Divisions.

SECTION 3.—There is hereby created an additional Judge of said Court, who shall be appointed by the County Commission, or like governing body of such counties, respectively, for a term of

six years and until his successor is elected and qualified. The successor of the Judge so appointed shall, at the expiration of his term be appointed by such County Commission for a like term of six years, and thereafter as such terms expire. Such Judge before entering upon the duties of his office shall take the oath required by law to be taken by the Judges of the Circuit Courts of Alabama, and any vacancy in such office shall be filled by the County Commission or like governing body of such County for the unexpired term. Such Judge shall be a resident of the County in which the Court has jurisdiction, and shall have been such resident for five years next preceding his qualification as such Judge. He shall be a qualified elector and shall be learned in the law and not less than twenty-five years of age. Such Judge shall receive a salary of Six Thousand Dollars (\$6000.00) per year, payable Five Hundred Dollars (\$500.00) per month at the end of each month out of the general fund of the County.

SECTION 4.—In case either of the Judges of said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said Court, the Judge of the other Division, if his duties permit, shall hold said court, but if his duties do not permit, it shall be the duty of the County Commission of such Counties, upon the certificate of the Clerk of the Court of the fact of such sickness, disqualification or inability of the Judge to hold said Court, to appoint some practicing attorney as Special Judge of said court, who shall have and exercise all the power and authority of the Judge of said Division and shall perform all the duties imposed upon him during the illness, disqualification, or inability of said Judge. The Special Judge so appointed and acting shall receive for the time he holds court as such Special Judge, the same compensation for the period of his services as the regular Judge of said Division.

SECTION 5.—The Judge of each Division of said Court may determine and fix the time for holding the sessions of his Division for the trial of cases and may make and adopt all needful rules and regulations for the setting of cases for trial and for the giving of notice to parties or their attorneys or record of the days on which said cases are set for trial.

SECTION 6.—Each of the Judges of said Court shall have and exercise in all cases and matters pending in said Courts the same authority and power now had and exercised by the Judges of the Circuit Courts of this State in cases and matters pending in said Circuit Courts, and shall have power and authority to issue writs of attachment and garnishment in matters of which the Court has jurisdiction wherever the Judges of the Circuit Courts of the State may issue writs of attachment and garnishment.

SECTION 7.—Whenever juries are required to try issues in either division of such courts, the Judge of such Division shall pro-

cure the jury box of the County and the key thereto, and shall draw from the jury box as many names as he may think necessary, in no case less than twenty-four, and must immediately return the key and box to the proper custodian thereof, respectively, and after each name is drawn it shall not be returned to the jury box except as herein otherwise provided, and there shall be no selection of names except as hereinafter provided, and shall make and file a record of the drawing and issue and order to the Sheriff requiring him to summon the jurors in the manner provided by law, except where otherwise in this Act provided; the jury so drawn, and when empannelled shall serve in such Division of said Court from day to day for an entire week if the cases set for the week require their attendance, for the trial of issues set for trial therein and until discharged by the Judge of such Division. Each Judge of such Court shall have and exercise all the powers that are now, or may hereafter be exercised by the Circuit Courts of this State with reference to drawing, empannelling and discharging jurors, and all the powers that are provided for the Circuit Courts in the Alabama Code of 1923, except said Judges of said Court shall have no power or authority to draw or empanell any grand jury. Whenever there are not enough qualified jurors in attendance upon the Court to permit the juries required, the Judge of either Division shall draw from the jury box, names of as many jurors as he may deem necessary.

SECTION 8.—Bills of exceptions relating to the trial of cases in said Court must be presented to the Judge of the Division of such Court within which such case was tried, within sixty days from the date of judgment in such case, and must be signed by the trial Judge within thirty days after the date of such presentation, and the date of presentation and signing of such bills of exceptions must be indorsed thereon by the Trial Judge.

SECTION 9.—Each Judge of said Court shall be authorized to take and have a vacation of thirty days, with pay during such vacation, in each calendar year, and to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to such Judge may be taken on successive days or at different intervals. Whenever such Judge desires to take a vacation as herein provided and absent himself from the Court, he shall certify to the County Commission of such counties the fact that he will be absent from the Court on a vacation and request said Commission to appoint a Judge to act as special judge in his absence, whereupon the said Commission shall appoint a practicing attorney residing in the county over which said court has jurisdiction as special judge during the absence of such Judge of the Court, not to exceed thirty days. Such special Judge shall perform all the duties of such Judge, and while acting as such Special Judge shall perform all the duties of such Judge, and while acting as such Special Judge, shall have and exercise all the powers and

authority of such Judge and he shall be paid out of the Treasury of the County for the time he acts as special Judge the same compensation fixed herein to be paid such Judge. The fact of the absence of such Judge under the authority of this Section and the appointment of a special Judge in the manner herein provided shall be entered in the minutes of this Court.

SECTION 10.—The County Commission shall assign each of the Judges of said Court to a Division of such Court, and the Judge so assigned to each Division shall preside in said Division, and in the absence of the Judge of the other Division, shall, if his duties permit, preside in, or make any orders or render any judgments in the other Division within the authority of the regular Judge of such other Division.

SECTION 11.—In all cases filed in said Courts the issues and questions of fact shall be tried and determined by the Judge trying the case without the intervention of a jury, unless a jury be demanded as now provided for demands for jury trials in the Circuit Courts. A demand for a jury trial may be made by either party to any action filed or pending in said Court, and must be made in writing endorsed on the complaint or other initial pleading or appearance filed in the cause which shall be filed within the term fixed by law for appearing and filing pleadings in said Courts.

SECTION 12.—That all laws and parts of laws in conflict with the provisions of this Act be, and the same hereby are, repealed.

SECTION 13.—That if any Section or part of this Act should be held to be unconstitutional by any competent Court, said holding shall not affect or invalidate the remainder of said Act, but the same shall be effective with such unconstitutional part eliminated therefrom.

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury, to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

S. 124. To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

S. 126. To prescribe the number of the Circuit Judges of the Tenth Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act and for other purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

H. 44. To ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled: "An Act To provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

H. 45. To require the Tax Assessor of Limestone County, Alabama, to make and enter in an assessment book suitably ruled and substantially bound in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year showing in separate columns the name of the owner, a description of the real estate, and the improvements thereon, the assessed value thereof, and the value of personal property assessed for taxation and the aggregate amount of state, county and special taxes with which such tax payer is charged.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Faulk	McDaniel	Teasley
Caffey	Fletcher	Millsap	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—29

The bill:

H. 46. To require the Tax Assessor of Limestone County, Alabama, to make annually a complete plat book or books, or renewals thereof, of all real estate in Limestone County, Alabama, in form as prescribed by the State Tax Commission; to provide for the compensation to the Tax Assessor for such services, and to prohibit the Board of Revenue, or other governing body of said County, from paying, and the Tax Assessor from receiving, any greater amount of compensation therefor, and to provide penalties for the violation of this Act.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:**Messrs.:**

Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hooton	Scruggs
Bonner	Duncan	Lapsley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Fletcher	Millsap	Warren
Cowart	Garrett	Mullins	Wikle

—29

The bill:

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

Was taken up.

The Committee on Municipalities and Municipal Organizations reported the following amendment to said bill, to-wit:

Amend Section 2 by striking out of lines 3 and 4 thereof the words "except as provided in Section 21 hereof"; by eliminating

Section 15 and Section 21 thereof and by renumbering Sections 16 to 20 inclusive.

Amend Section originally numbered 17 by striking out the words "or in violating of the provisions of any such trust indenture" where they appear in lines 13 and 14 thereof; also by striking out the words "or trust indenture" where they appear in line 28 and in lines 30 and 31 thereof.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Cooper
Coward
Craft
Darden

Delony
Duncan
Faulk
Fletcher
Garrett
Goodwin

Hooton
Hubbard
Lapsley
Lusk
McDaniel
Mullins

Riddle
Scruggs
Shepherd
Walker
Warren
Wikle

—25

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Cooper
Coward

Craft
Darden
Duncan
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Lusk
Mullins

Riddle
Scruggs
Shepherd
Walker
Wikle

—20

The bill:

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

Was taken up.

The Committee on Municipalities and Municipal Organizations, reported the following amendment to said bill, to-wit:

Amend Section 2 by striking out from the third and fourth lines thereof, the words "except as provided in Section 18 hereof"

Eliminate Section 14 and re-number the remaining sections.

Eliminate last section of bill originally numbered 18.

Which was adopted.

Yeas, 19; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hildreth	Scruggs
Beasley	Delony	Hooton	Shepherd
Brown	Duncan	Hubbard	Warren
Cooper	Garrett	Mullins	Wikle
Cowart	Goodwin	Powell	

—19

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19 ; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hildreth	Scruggs
Beasley	Delony	Hubbard	Shepherd
Brown	Duncan	Lusk	Warren
Cooper	Garrett	Mullins	Wikle
Cowart	Goodwin	Powell	

—19

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Barber:

H. J. R. 6. WHEREAS, on March 4th, 1933, Franklin Delano Roosevelt will assume the highest office of our land as President of these United States of America and will be the first Democratic President since Woodrow Wilson, and;

WHEREAS, the South and the State of Alabama gave their undying and unanimous support to the Democratic Party which was responsible in a large degree to the success of the said Democratic Party on November last, for which both the South and the State of Alabama are justly proud, and;

WHEREAS, both the South and the State of Alabama feel that the members of the Cabinet of the newly elected President of the United States should consist to some extent of people of the South and the State of Alabama as their just reward for their loyalty and support;

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the newly elected President of the United States and his duly appointed Secretary of Commerce give favorable consideration to Honorable Steadman Acker of Birmingham, Alabama, a man of highest character and integrity and a man of experience and ability, as an applicant for the position of Assistant Secretary of Commerce for Aeronautics.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Rules were suspended and H. J. R. 6, set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 8. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

Also:

H. 51. "To amend subdivision G of Section 2 of an act entitled an act "in reference to and to further provide for the General Revenue of the State of Alabama," approved August 22nd., 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

J. H. Stewart, Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Tenth Legislative Day, approved.

ADJOURNMENT

At 4 P. M., on motion of Mr. Hooton, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, February 24th, 1933, at 10 A. M.

ELEVENTH DAY

Friday, February 24th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. H. V. Carson, of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

JOURNAL

On motion of Mr. McDowell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Scruggs:

S. 147. To authorize, empower, and direct the Alabama State Bridge Corporation to issue annual passes to all physicians, to be used only when on professional calls; to all State and County officers, to be used only when on official business for the State or County; and to all soldiers or sailors, or other persons in the Military or Naval forces, when reporting to or returning from drill or encampment, or other military duties; said passes to permit said persons to cross over any or all of the toll bridges owned or controlled by the said Alabama State Bridge Corporation; and to prescribe the maximum charges to such physicians and/or officers and/or soldiers or sailors for issuing said passes; to prescribe the method and manner of issuing the same and to fix the penalties for the fraudulent use of such passes.

Committee on Revision of Laws.

By Mr. Mullins:

S. 148. To provide for holding a convention to pass upon the

question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

Committee on Constitution, Constitutional Revision and
Amendments.

By Mr. Craft:

S. 149. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and the bridge and all other property owned by Mobile Bay Bridge Company, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

Committee on Public Roads and Highways.

By Mr. Craft:

S. 150. To amend Section 2 of an Act "To Amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama Approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,' " approved July 10, 1931.

Committee on Judiciary.

By Mr. Craft:

S. 151. To amend Section 3120 of Article 8, of Chapter 58 of the Code of Alabama of 1923, description of lands bid in by State.

Committee on Finance and Taxation.

By Mr. Darden:

S. 152. To amend an act, entitled "An act to provide for the payment of expenses of publication of notice of intention to introduce a local bill in the Legislature, approved June 18th, 1931, General Acts of 1931, page 325.

Committee on Judiciary.

By Mr. Hooton:

S. 153. To amend Section 4788 of the 1923 Code of Alabama.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the fol-

lowing bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lapsley (with amendment):

S. 143. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

By Mr. Lapsley:

S. 144. To amend Section 6478 of the Code of Alabama, 1923.

By Mr. Glover (Elmore):

H. 130. To provide for the giving up by the State of Alabama and its officials of all its possession, claim, right and interest in and to the following described real estate located in Elmore County, Alabama, to-wit: "That part of sub-division D lying North of the Section line between Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), and Section three (3), Township Seventeen (17), Range Eighteen (18), being situated in Section thirty-four (34) Township Eighteen (18), Range Eighteen (18), lying South of the main stream of the Tallapoosa River and being surrounded by the so called Dead River, being the former stream of the Tallapoosa River and containing 27 acres, more or less, according to the map made by Mr. C. A. Pickett, County Surveyor of Montgomery County, May, 1930" to Mrs. C. E. Gaddis, Wetumpka, Elmore County, Alabama.

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren (with amendment):

S. 28. To amend Section 37 of that certain act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools", approved November 9, 1932:

By Mr. Warren (with amendment):

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

By Mr. Warren:

S. 33. To amend Section 26 of that certain act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932:

By Mr. Warren:

S. 34. To amend Section 24 of that certain act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932:

By Mr. Warren:

S. 36. To amend Section 22 of that certain act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932:

By Mr. Warren (with amendment):

S. 38. To amend Section 7 of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools" approved November 9, 1932.

By Mr. Teasley (with substitute):

S. 142. To require the tax assessors of the several counties in the State in making assessments of real estate for taxation to list and value separately the homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, at 60% of its fair and reasonable market value.

By Mr. Hansbrough:

H. 62. To amend Section 317 of the Code of Alabama of 1923.

By Mr. Barber (notice and proof):

H. 43. For the relief of Lieutenant Charles A. Jones, Junior, First Lieutenant of the One Hundred and Sixth Observation Squadron of the Alabama National Guard.

By Mr. Darden:

S. 138. To require the Board of Review of the several counties of this State to give each tax payer of the county whose assessment for taxes are sought to be increased, ten days written notice by Registered United States mail, with return registration receipt requested, of the time and the place set for the hearing by the said Board of Review of each tax payer's assessment and the amount of the proposed raise, and any increase made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such person; and it is made the duty of the Secretary or Clerk of the Board of Review of the several counties of this State to give such registered notices.

By Mr. Swift:

H. 17. To exempt from ad valorem taxation the shares of capital stock of corporations conducting hospitals, to the extent of Twenty Thousand Dollars (\$20,000.00) to enable such corporations to enjoy the full benefits of tax exemption to said amount as now provided by law.

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Greene (without recommendation):

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "AN Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama Approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act.'"

Mr. Bartlett, chairman of the Standing Committee on Printing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Yerby:

H. 136. To amend Section 1999 of the Code of Alabama.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hooton (with notice and proof):

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide

instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

By Mr. Carmichael (with notice and proof):

H. 218. To enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act.

By Mr. Fite (with notice and proof):

H. 249. To require twenty-five per cent of the total funds received by Marion County from the **levy and collection by the State** of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

By Mr. Allen (with notice and proof):

H. 237. To alter or rearrange and to fix and establish the boundary line of that portion of the City of Gadsden, Alabama, that lies West of the Coosa River and to incorporate within the corporate limits of said city all the territory bounded by said line and the West bank of the Coosa River, which territory includes all the territory formerly within the corporate limits of Alabama City, Alabama, and other territory.

By Mr. McGraw (with notice and proof):

H. 211. To further provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County, Alabama.

By Mr. McGraw (with notice and proof):

H. 209. To repeal "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties", in-so-far as it applies to Shelby County, Alabama, which said local Act was adopted by an

Act of the Legislature of Alabama, approved February 20, 1889, and appearing in the Acts of Alabama 1888-89 at page 471.

By Mr. McGraw (with notice and proof):

H. 212. To repeal Sections 1, 2 and 3 of an Act approved April 22, 1911, entitled, "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County," which Act appears at pages 341, 342, 343, 344, 345, 346, 347, 348 and 349 of the Local Acts of Alabama, 1911, as amended by an Act of the Legislature of Alabama of 1915, approved September 4, 1915, and entitled, "An Act to amend sections 7, 8, 13, 9, 18 and 22 of an act entitled 'An act to provide for the control, working, maintenance, building and improvements of the public roads and bridges of Shelby County, Alabama'", as follows:

By Mr. Sossaman (with notice and proof):

H. 100. To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay and to require a certificate of ill health by said teacher in order to secure the advantages of this act.

By Mr. Taylor:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the pay-

ment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

Mr. Hubbard, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ware:

H. 183. To amend Section 197 of the 1927 School Code of Alabama.

ADVERSE REPORT

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Lapsley:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, and joint resolution your signature thereto is requested:

H. 8. To declare claims of Chief Deputy Sheriffs preferred claims against the County; to fix the order of priority of such claims; and to repeal all other laws or parts of laws in conflict herewith.

H. 44. To ratify, heal and cure an Act of the Legislature of Alabama, approved February 17, 1931, and entitled: "An Act to provide for the election of a County Superintendent of Education for Lauderdale County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office;" to confirm and validate the election held under and in accordance with the provisions of said Act, and the election of Homer E. Williams as County Superintendent of Education of Lauderdale County at said election; to fix the term of office of the County Superintendent of Education of Lauderdale County; to prescribe his salary and the manner of payment; to define his qualifications, powers and duties and to provide for the election of his successors in office.

H. 45. To require the Tax Assessor of Limestone County, Alabama, to make and enter in an assessment book suitably ruled and substantially bound in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year showing in separate columns the name of the owner, a description of the real estate, and the improvements thereon, the assessed value thereof, and the value of personal property assessed for taxation and the aggregate amount of state, county and special taxes with which such tax payer is charged.

H. 46. To require the Tax Assessor of Limestone County, Alabama, to make annually a complete plat book or books, or renewals thereof, of all real estate in Limestone County, Alabama, in form as prescribed by the State Tax Commission; to provide for the compensation to the Tax Assessor for such services, and to prohibit the Board of Revenue, or other governing body of said County, from paying, and the Tax Assessor from receiving, any greater amount of compensation therefor, and to provide penalties for the violation of this Act.

Also:

H. 51. To amend subdivision G of section 2 of an act entitled an act "in reference to and to further provide for the General Revenue of the State of Alabama," approved August 22, 1923, and included as subdivision 9 of Section 3022 of the printed Code of Alabama, 1923.

Also:

H. J. R. 6. Commending to the newly elected President of the United States and his duly appointed Secretary of Commerce, Honorable Steadman Acker of Birmingham, Alabama, as an applicant for the position of Assistant Secretary of Commerce for Aeronautics.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; and Joint Resolution; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Green:

H. 244. To amend Section Three of an Act entitled an Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923.

Also:

By Mr. Granade:

H. 274. To fix the amount of the salary or compensation of the county treasurer of any county in the State having a population of not less than ninety thousand nor more than one hundred and eighty thousand, according to the last or any succeeding Federal census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this Act.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 244, to the Committee on Finance and Taxation.

H. 274, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Culver:

H. 232. To require the State Superintendent of Education to renew or extend the teachers' certificates now held by the teachers in the schools of the State of Alabama for a period of three years without requiring additional study.

Also:

By Mr. Morrow (with notice and proof):

H. 193. To further regulate the Municipal Court of Birming-

ham, Alabama, to extend the territorial jurisdiction of said court to include Precinct 42 of Jefferson County, Alabama, and to provide that the said Court shall be in lieu of all justices of the peace and all notaries public ex officio justices of the peace and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex officio justices of the peace in said precinct; to provide for the holding of said court in said precinct; to define the jurisdiction and powers of said court and fix the duties of said deputy clerk and all other officers of said court in said precinct; to provide a term for said deputy clerk in said precinct; to provide a method of appointing and a method of fixing the salary of said deputy clerk and the manner of paying said salary; to repeal all laws in conflict with the provisions of this act and to provide when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

**A BILL
TO BE ENTITLED
AN ACT**

To further regulate the Municipal Court of Birmingham, Alabama, to extend the territorial jurisdiction of said court to include Precinct 42 of Jefferson County, Alabama, and to provide that the said Court shall be in lieu of all justices of the peace and all notaries public ex-officio justices of the peace and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex officio justices of the peace in said precinct; to provide for the holding of said court in said precinct; to define the jurisdiction and powers of said court and fix the duties of said deputy clerk and all other officers of said court in said precinct; to provide a term for said deputy clerk in said precinct; to provide a method of appointing and a method of fixing the salary of said deputy clerk and the manner of paying said salary; to repeal all laws in conflict with the provisions of this act and to provide when this act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That the Municipal Court of Birmingham, Alabama, in addition to its present territorial jurisdiction, shall have jurisdiction in and over Precinct 42 in Jefferson County, Alabama, and shall in said Precinct be in lieu of all justices of the peace and all notaries public ex officio justices of the peace and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex officio justices of the peace in said Precinct, and shall in said precinct have the powers and jurisdiction now conferred or that may hereafter be conferred in civil cases upon justices of the peace or upon said court and judges of said court and shall exercise all the power and authority and shall perform all the duties now prescribed by law or that may hereafter be prescribed by law for justices of the peace in said Precinct; provided, however, that said court shall not have jurisdiction in any criminal causes in said Precinct.

Sec. 2. That the judges of said Court shall alternate in holding court in said Precinct, and one of the said judges shall hold court in said Precinct at least once each week.

Sec. 3. That a branch office of said court shall be maintained in said Precinct 42, which shall be in charge of a deputy clerk of said court; that said deputy clerk shall be appointed by the County Commission of Jefferson County, Alabama, and shall serve a term of four years and until his successor has been appointed and qualified; that each four years thereafter, the County Commission of Jefferson County, Alabama, shall appoint a successor to said deputy clerk, who shall serve a term of four years and until his successor is appointed and qualified; that the salary of said deputy clerk shall be fixed by the County Commission of Jefferson County, Alabama, and shall be payable in equal monthly installments out of the County Treasury of said County.

Sec. 4. That all causes of action, wherein the defendant or one of the defendants resides in said Precinct 42, all causes of action based on contracts made in said Precinct, all suits on torts committed in Precinct 42 and all other civil cases whose jurisdiction is embraced in said Precinct 42 may be filed in the Branch Office of said Court maintained in said Precinct and when so filed, shall be returnable to the Municipal Court of Birmingham, sitting in Precinct 42, and shall be set and tried before the Municipal Court of Birmingham, sitting in said Precinct.

Sec. 5. That said deputy clerk in charge of the Branch Office in said precinct shall, before entering upon the duties of his office take the oath prescribed by the Constitution and shall give bond in a penal sum to be fixed by the County Commission of Jefferson County, Alabama, payable to the State of Alabama, and conditioned to faithfully discharge the duties of such office, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, Alabama, and which bond shall also be conditioned to pay over all monies to the proper officials and persons to whom it is payable and to faithfully account for all monies coming into his hands by virtue of his office and upon the said bond there shall be the same liabilities and remedies as upon a bond of a clerk of the Circuit Court.

Sec. 6. The deputy clerk in Precinct 42 shall on all causes filed in said Branch Office issue all processes out of the Branch Office of said Court maintained in said Precinct, said processes to be returnable to the Municipal Court of Birmingham, sitting in Precinct 42. Said deputy clerk shall keep a docket of cases filed in said Branch Office, shall approve all bonds in causes filed in said Branch Office; shall certify all appeals and certiorari in causes filed in said Branch Office and shall do and perform in his own name in all causes filed in said Branch Office all things now required or authorized by law to be done by the clerks of the two divisions of said court.

Sec. 7. The constable of Precinct 42 of Jefferson County, Alabama, and the sheriff of Jefferson County, Alabama, shall be ex officio officers of said court and shall execute all processes issued from the branch office of said court maintained in said Precinct, and make return thereof and shall receive the same compensation as is now provided by law for like services in said Municipal Court of Birmingham, Alabama, which fees shall be paid to the said constable and sheriff; provided, however, that all fees paid to the sheriff of said County shall be by him paid into the County Treasury of said County and shall be the property of Jefferson County. Such constable shall have the right to demand any process issuing out of such Branch Office to be served in his said Precinct, provided, that nothing in this act shall prevent the said court from appointing and authorizing a special officer to act in case of emergency.

Sec. 8. The County Commission of Jefferson County, Alabama, at the expense of Jefferson County, shall provide suitable court rooms to hold said court in said Precinct 42, and shall also provide all necessary dockets, books and other supplies for the use of said court in said Branch Office.

Sec. 9. That all laws and parts of laws, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 10. If any section, sentence, clause or provision of this act is declared unconstitutional or void for any reason, the validity of the remainder of the act shall not be affected thereby. If the applicability of any section, sentence, clause or provision of this act to any person or circumstances shall be held invalid for any reason, the applicability thereof to other persons and circumstances shall not be affected thereby. It is the intention of the Legislature that, if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional or void for any reason any provision or provisions thereof, the remaining provisions shall be given full force and effect as completely as though the provision or provisions held unconstitutional or void had not been included in this act.

Sec. 11. This act shall take effect upon its approval by the Governor.

State of Alabama }
County of Jefferson } ss:

On this 7 day of Feb., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Bookkeeper of The Birmingham Age-Herald a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates: Jan. 17, 24, 31, Feb. 7, 1933.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day, 7th of Feb., A. D., 1933.

W. O. OLIVER,
Notary Public.

(Seal)

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 232, to the Committee on Education,

H. 193, to the Committee on Banking and Insurance.

RESOLUTION

Mr. Scruggs offered the following joint resolution:

S. J. R. 29. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, February 28th at 12:00 o'clock noon, and that when they adjourn on February 28th that they adjourn to meet again on March 1st at 10:00 o'clock, and that when the two houses adjourn on March 1st, that they adjourn to meet again on March 7, 1933 at 12:00 o'clock Noon.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report with substitute to-wit:

S. J. R. 29, with the following substitute:

By Mr. Scruggs:

S. J. R. 29. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet again at 12:00 o'clock noon on Tuesday, March 7th, 1933, but that from and after February 24th up to and including March 6th the members of the Legislature, and Senate and the Clerks and other subordinate officers and employees of the House and Senate except the Sec. of the Senate and Clerk of the House and Asst. Sec. of the Senate and Reading Clerk of the House, will not receive any per diem.

The organization of the said House and Senate as to its subordinate officers, clerks and other assistant employees be preserved, as it now is on the reconvening of the said Legislature on to-wit, March 7th.

And on motion of Mr. Powell, said report was concurred in, said substitute adopted and said resolution as amended, concurred in and adopted.

Mr. Powell, chairman of the Standing Committee on Rules reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with an adverse report as amended to-wit:

S. R. 27. Requesting the President of the Senate to appoint a committee to investigate utility rates and the possibility of securing a reduction of same.

And on motion of Mr. Powell, said report was concurred in and said Resolution, as amended, placed on the adverse calendar.

RESOLUTION

Mr. Hooton offered the following joint resolution:

S. J. R. 30. Be it resolved by the Senate the House concurring that when the two Houses adjourn today, that they adjourn to meet again on Tuesday, Feby. 28th, 1933 at 12: o'clock noon.

Which was read and referred to the Standing Committee on Rules.

NOTICE

Mr. Riddle gave to the Senate the following notice in writing:

Notice is hereby given under the Rules of the Senate that the undersigned will, on the next legislative day, move to take from the adverse calendar Senate Resolution Number 27.

Given this February 24th, 1933.

D. Hardy Riddle,
Senator from 8th Senatorial District.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following resolution and sends same herewith to the Senate:

By Mr. Green:

H. R. 46. RESOLVED, That the Senate be requested to return to the House, House Bill No. 140, for further consideration by the House.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teasley, and pursuant to H. 46, set out in the foregoing Message from the House, the Secretary was instructed to return to the House said bill, H. 140 for further consideration by the House.

BILLS ON THIRD READING

The bill:

S. 109. To amend Schedule 52 of an Act to provide for the general revenues of the State of Alabama approved September 15, 1919.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 1.

Yeas:

Messrs.:

Caffey
Cooper
Craft
Darden
Delony
Duncan

Edmundson
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Kelley
Lapsley
McDowell
Millsap

Mullins
Riddle
Walker
Warren
Wikle

—21

Nays:—Mr. Hubbard

— 1

The bill:

H. 56. To amend Section 3088 of the Code of Alabama 1923.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend H. 56 as follows:

1. By striking out the words and figures "first day of December" in line three of Section 1 and inserting in lieu thereof the following, "30th day of September."

2. By striking out the words and figures "first day of September" in line four of Section 1 and inserting in lieu thereof the following "10th day of September."

3. By striking out the words and figures "10th day of Decem-

ber" in line seventeen of Section 1 and inserting in lieu thereof the following "30th day of September."

4. By striking out the words and figures "10th day of December" in the 3rd and 2nd lines from the bottom of said Section 1 and inserting in lieu thereof the following "30th day of September."

And said amendment was laid on the table.

And said bill was then read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Cooper
Craff
Darden
Delony

Duncan
Fletcher
Garrett
Goodwin
Hildreth
Hooton
Hubbard

Kelley
Lapsley
Lusk
Millsap
Mullins
Powell
Riddle

Struggs
Shepherd
Teasley
Walker
Warren
Wikle

—27

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McGraw (notice and proof):

H. 210. To provide for and regulate the purchasing of supplies, for which the County is liable, for the County officials, the county offices and every department of the County, including supplies, books, material, office equipment, printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama, beginning on the 31st day of January, 1933, for the enactment of the following local law for Shelby County, Alabama.

AN ACT

To be entitled "An Act to provide for and regulate the purchasing of supplies, for which the County is liable, for the County Officials, the county offices and every department of the County, including supplies, books, material, office equipment printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing

such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding."

BE IT ENACTED by the Legislature of Alabama as follows:

SECTION ONE. That the Board of Revenue of Shelby County, Alabama, shall appoint a Purchasing Committee to be composed of two members selected by said Board, to consist of a member of said Board and such other person as said Board of Revenue may select or appoint. The term of office of such Purchasing Committee shall be at the pleasure of said Board of Revenue, which shall be authorized to discharge said Committee or any member thereof, and select another at any time it deems fit.

SECTION TWO. That every County official and every department of the County needing supplies, books, material, office equipment, printing and printed matter, or other supplies, for the payment of which the County is liable, at least thirty days before any such article is required, shall through such county official or the head of the department, draw a requisition for such article or supplies or other matter, as may be needed and shall file the same with the Purchasing Committee, who shall immediately apply for bids, under such rules and regulations as said Committee may adopt, subject to the approval of the Board of Revenue of said County, and at the meeting of said Board of Revenue following the receipt of such bids, said bids shall be opened in the presence of the entire Board and the lowest responsible bidder for the supplies, or for the supplying of said articles, will be accepted and an order placed therefor; provided, that in case of emergency, the Purchasing Committee shall have the authority to act and authorize necessary printing and the purchasing of such emergency supplies, on requisition as hereinabove set out, without the delay of calling for competitive bids.

SECTION THREE. That claims against the County not created in the manner hereinabove in this Act provided for, shall neither be allowed nor paid.

SECTION FOUR. All laws in conflict with the provisions of this Act are hereby repealed, in-so-far as they relate to Shelby County, Alabama.

The State of Alabama, }
Shelby County. }

Personally appeared before me, Register of the Circuit Court, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper four weeks consecutively, to wit, in the issues thereof dated as follows: January 12-19-26-February 2, 1933.

LUTHER FOWLER,
Publisher

Subscribed and sworn to before me this 7 day of February 1933.

J. M. LEONARD, JR.,
Register of the Circuit Court.

Also:

By Mr. Glover (of Elmore) (notice and proof):

H. 283. To authorize the County Board of Education of Elmore County, Alabama, upon the recommendation of the County Superintendent of Education of said County to borrow money on the credit of the School Fund of said County to meet the salaries of teachers and current expenses when the current funds on hand

are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year; to make it the duty of said County Board of Education and said County Superintendent of Education to secure such loan if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries; and to provide that all such current loans, except such as are based on said County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year; and to provide that the amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Elmore County. }

Before me, Gertrude McGehee, a Notary Public in and for said County in said State personally appeared H. H. Golson who is known to me and who being by me first duly sworn deposes and says as follows:

That the Wetumpka Herald is a newspaper that is published weekly in Wetumpka, Elmore County, Alabama, that said newspaper is published on Thursday of each week, that he is Editor of said newspaper and is in active management of same, that the following notice, to-wit:

LEGAL NOTICE

State of Alabama, Elmore County.

Notice is hereby given of the intention to apply (and that application will be made) to the Legislature of Alabama during its Extraordinary Session of the year, 1933 (which said Extraordinary Session is now scheduled to begin on January 31, 1933) for passage and making into law of the following Bill, to-wit:

A Bill To Be Entitled An Act

To authorize the County Board of Education of Elmore County, Alabama, upon the recommendation of the County Superintendent of Education of said County to borrow money on the credit of the School Fund of said County to meet salaries of teachers and current expenses when the current funds on hand are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year; to make it the duty of said County Board of Education and said County Superintendent of Education to secure such loan if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries; to provide that all such current loans, except such as are based on said County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year; and to provide that the amount so borrowed shall at no time exceed 1-3 of the sum paid out for current expenses during the preceding year.

Be it enacted by the Legislature of Alabama:

Section 1. That the County Board of Education of Elmore County Alabama shall have authority, upon the recommendation of the County Super-

intendent of Education of said County, to borrow money on the credit of the School Fund of the said County to meet salaries of teachers and current expenses when the current funds on hand are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year. It shall be the duty of the said County Board of Education and the said County Superintendent of Education to secure such a loan, if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries. All such current loans except such as are based on said County and District local tax proceeds shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

Section 2. All laws and parts of laws, local, general or special, in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. That should any part or paragraph or Section or parts of paragraphs or Sections of this Act be held by any court of this State unconstitutional none of the remaining parts or paragraphs or Section hereof shall be effected thereby.

Section 4. That this Act shall become and be effective and law immediately after its passage and approval by the Governor, or its becoming law as provided by law.

Was recently published in said newspaper once a week for four consecutive weeks, that said notice appeared in the issues of said newspaper that were published on January 26, 1933, February 2, 1933, February 9, 1933 and February 16, 1933, that he has authority to make this affidavit and that the statements contained herein are true.

H. H. GOLSON.

Sworn and subscribed to before me on this the 17th day of February, 1933, and in witness whereof I have hereunto set my hand and official seal.

GERTRUDE McGEHEE,

Notary Public, Elmore County, Ala.

(Seal)

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

H. 210 and H. 283, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate:

By Mr. Norman:

H. J. R. 52. Resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, February 28, at 12 o'clock, Noon.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in H. J. R. 52, set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references there-to required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Eleventh Legislative Day, approved.

ADJOURNMENT

At 12:35 P. M., on motion of Mr. Powell, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, Feb. 28th, 1933 at 12: M.

TWELFTH DAY

Tuesday, February 28th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. F. M. Barnes, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. McDaniel, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Walker, leave of absence was granted Mr. Fletcher for this week.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hooton:

S. 154. To amend "An Act to authorize and empower the Courts of County Commissioners in all counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, 'An act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act,' which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama approved August 22, 1923, entitled, "An act in reference to, and to further provide for, the General revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective counties, and to repeal all laws and parts of laws in conflict with this Act," approved November 8, 1932, so that the same shall read as follows: An act to authorize and empower the Courts of County Commissioners in all counties of Alabama which now have or may hereafter have a population of less than seventeen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the

provisions of this Act," which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An act in reference to and to further provide for the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of public school teachers for teaching school in class room work in the public schools in the respective counties, and to repeal all laws and parts of laws in conflict with this act.

Committee on Revision of Laws.

By Mr. Hooton:

S. 155. To amend sub-section (A1) of Section 2 of an act entitled an Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 294 on page 152 of the 1923 General Acts of Alabama.

Committee on Finance and Taxation.

By Mr. Lusk:

S. 156. To provide for the attendance at public schools of any school district or municipality of children whose parents or guardians pay taxes on real estate located in such school district or municipality.

Committee on Education.

By Mr. Lusk:

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of Sections 3023, 3024, and 3025 of the Code of Alabama of 1923.

Committee on Judiciary.

REPORT OF COMMITTEE

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lapsley:

S. 145. To permit State Banks having a capital of not less than Five Hundred Thousand Dollars, and located in municipalities having a population in excess of ten thousand to establish, maintain and operate branch bank offices and facilities by and with the approval of the Superintendent of Banks.

By Mr. Morrow (with notice and proof):

H. 193. To further regulate the Municipal Court of Birmingham, Alabama, to extend the territorial jurisdiction of said court to include Precinct 42 of Jefferson County, Alabama, and to provide that the said Court shall be in lieu of all justices of the peace and all notaries public ex officio justices of the peace and all inferior courts heretofore created in lieu of justices of the peace and notaries

public ex officio justices of the peace in said precinct; to provide for the holding of said court in said precinct; to define the jurisdiction and powers of said court and fix the duties of said deputy clerk and all other officers of said court in said precinct; to provide a term for said deputy clerk in said precinct; to provide a method of appointing and a method of fixing the salary of said deputy clerk and the manner of paying said salary; to repeal all laws in conflict with the provisions of this Act and to provide when this Act shall become effective.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Riddle moved to take from the adverse calendar, the resolution:

S. R. 27. Requesting the President of the Senate to appoint a Committee to investigate utility rates and the possibility of securing a reduction of same.

Pending the further consideration of said resolution:

RECESS

At 1 P. M., on motion of Mr. Teasley, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—TWELFTH DAY

Tuesday, February 28th, 1933.

The Senate re-assembled at 3: o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsiey
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows:
By Mr. Teasley:

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

Committee on Banking and Insurance.

By Mr. Hildreth:

S. 159. To amend an act entitled "An act to amend Section 130 of the School Code of Alabama," approved November 8, 1932.
Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 56. To amend Section 3088 of the Code of Alabama 1923.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Norman:

H. J. R. 57. RESOLVED, by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet on Thursday, March 2, 1933, at ten o'clock, A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 57, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. Green:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, to provide a code of

laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,' " as amended.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 140, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ware:

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by state funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or acts.

Also:

By Mr. Green (notice and proof):

H. 41. To further regulate the Municipal Court of Birmingham, Alabama, to provide for one Clerk for both divisions of said Court, and deputy clerks for said court and the manner of their appointment and the manner of fixing their compensation and to provide the manner of fixing the number of such deputy clerks, and to provide for the payment of the compensation of said clerk and deputy clerks.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the Special Session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Jan. 31, 1933, a bill in substance as follows will be introduced and its passage applied for, namely:

A BILL
TO BE ENTITLED
AN ACT

To further regulate the Municipal Court of Birmingham, Alabama, to provide for one Clerk for both divisions of said Court, and Deputy Clerks for said Court, and the manner of their appointment and the manner of fixing their compensation, and to provide the manner of fixing the number of such Deputy Clerks, and to provide for the payment of the compensation of said Clerk and Deputy Clerks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there shall be one Clerk for both divisions of the Municipal Court of Birmingham, Alabama, who shall be elected by the two Judges of said Court and the presiding Judge of the Circuit Court for the Tenth Judicial Circuit of Alabama. Said Clerk shall serve at the pleasure of the Judges electing him. That the County Commission or other like governing body of Jefferson County, Alabama, may provide for as many Deputy or Assistant Clerks for said Court as may be necessary, said Assistant Clerks to be appointed by the Clerk of said Court; provided, however, that the provisions of this act shall not apply to the Deputy Clerk of said Court in charge of the branch office of said Court in Precinct 42, and shall not repeal any local law heretofore enacted providing the method of appointment of the Deputy Clerk in charge of said branch office. That the County Commission of said county shall fix the compensation of the Clerk of said Court and of the Deputy Clerks of said Court, which shall be paid in equal monthly installments out of the County Treasury of said county.

Sec. 2. That all laws and parts of laws, general, local or special, in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 3. That this act shall take effect upon its approval.

State of Alabama }
County of Jefferson } ss:

On this 30 day of Jan., A.D., 1933, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said, J. H. Capps, who being duly sworn according to law, declares that he is Book-keeper of The Birmingham News a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham News on the following dates: Jan. 7, 14, 21, 28, 1933.

J. H. CAPPS.

Subscribed and sworn to before me this day, 30th of Jan., A. D., 1933.

W. O. OLIVER,
Notary Public.

Also:

By Mr. Duke (with notice and proof):

H. 264. To alter and re-arrange the commissioners district lines of Lee County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the approaching extra-ordinary session of the Legislature of Alabama, a Bill, the substance of which, is as follows:

A BILL

To be entitled an Act to alter and re-arrange the commissioners district lines of Lee County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the district lines of the commissioners' districts in the County of Lee, State of Alabama, be altered and re-arranged so as to establish said district as follows:

District 1 shall be composed of Beats 3, 4, 5, and 6, as now constituted in said County.

District 2 shall be composed of Beats 2, 7, and 10, as now constituted in said County.

District 3 shall be composed of Beats 1, 11, and 14, as now constituted in said County.

District 4 shall be composed of Beats 13, 8, 9, and 12, as now constituted in said County.

Section 2. That this Act shall take effect thirty days after its passage.

Section 3. That all laws and parts of laws in conflict herewith are hereby repealed.

State of Alabama, }
Lee County. }

Before me, Lum Duke, Judge of Probate in and for said County, personally appeared W. C. Wear, who being by me duly sworn, deposes and says that the above and foregoing notice was regularly printed and published in the Opelika Daily News on the following dates, to-wit: January 17, January 24, January 31, and February 7, 1933; and that said newspaper is published in Lee County.

W. C. WEAR.

Sworn to and subscribed before me, this the 11th day of February, 1933.

LUM DUKE,
Judge of Probate.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills, in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 315, to the Committee on Education,

H. 41, to the Committee on Banking and Insurance,

H. 264, to the Committee on Local Legislation.

RESOLUTION

Mr. Garrett offered the following Senate resolution:

S. R. 31. Whereas, the Honorable Woodford Mabry, an Attorney at Law at Grovehill, Clark County, Alabama, is an applicant for appointment as United States Minister to Honduras and is the only applicant from the State of Alabama for this appointment; and,

Whereas, Mr. Mabry is well qualified to represent the United States in the capacity as Minister to Honduras and has been gen-

erally endorsed therefor, and his appointment, we believe, would meet with the general approval;

It is Therefore Resolved, by the Senate of Alabama that we endorse the Honorable Woodford Mabry for appointment as United States Minister to Honduras.

And on motion of Mr. Garrett, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix the number, their positions, terms of office or employment, election or appointment, and how elected, selected or appointed; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation is to be paid; to provide further that the Senate or House, either or both, has or have no authority by resolution or rule to change the number or compensation of such officers or employees, and that such can be done only by Legislative enactment in the form of a Bill or Act of the Legislature; to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in the following amendment by the House to S. 75, the title of which is set out in the following Message from the House, to-wit:

A BILL

To be entitled an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House, after adjournment, for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the state printer. Providing for an information bureau for the members of the legislature and the public, and providing duties for the Sec-

retary of the Senate and the Clerk of the House of Representatives, after adjournment, and to repeal An Act "To amend Section 1530 of the Code of Alabama of 1923," Approved January 27, 1927, also the Act "To authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate," Approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. The subordinate officers of the legislature shall consist of a Secretary, Assistant Secretary, Reading Clerk, Chief Clerk, Enrolling-Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, for the Senate a Clerk, Assistant Clerk, Second Assistant Clerk, Chief Clerk, Enrolling-Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, and two (2) Sergeants-at-Arms, for the House of Representatives. The Secretary, Assistant Secretary, Enrolling-Engrossing Clerk, Doorkeeper, and Assistant Doorkeeper, for the Senate, the Clerk of the House, Assistant Clerk, Enrolling-Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, for the House of Representatives, shall each be elected by each House, respectively, at the beginning of each regular session of the legislature, or at such other times as may be necessary, who shall hold their office until the close of the session, except the Secretary of the Senate and the Clerk of the House of Representatives who shall hold their offices until their successors are qualified; and may be removed for cause by each House, respectively. The assistants named above for the Senate shall be under the control and direction of the Secretary of the Senate, and the assistants named above for the House shall be under the control and direction of the Clerk of the House. On and after January 1, 1935, the position or office of Engrossing Clerk of the Senate, and the position or office of Engrossing Clerk of the House of Representatives shall be abolished, and the Enrolling-Engrossing Clerks herein above provided for the Senate and House of Representatives, respectively, shall perform the duties heretofore required of both the Enrolling Clerk and the Engrossing Clerk.

Section 2. The Secretary, Assistant Secretary, Second Assistant Secretary, for the Senate, the Clerk of the House, Assistant Clerk, and Reading Clerk hereinafter provided for, for the House of Representatives, shall each receive Ten Dollars per day; the Reading Clerk and Chief Clerk for the Senate, shall each receive Eight Dollars per day; the Second Assistant Clerk and Chief Clerk for the House of Representatives, shall each receive Six Dollars per day. The Assistant Secretary of the Senate, and the Assistant Clerk of the House, in addition to their regular duties, shall

keep a register of all bills, resolutions, and memorials, that are introduced by the members of their respective Houses, showing the title of each bill, resolution and memorial, and the time when and by whom introduced, the date of their several readings, and, if referred, to what committee, and the final disposition thereof.

Section 3. The Enrolling-Engrossing Clerk of the Senate, and the Enrolling-Engrossing Clerk of the House, shall each receive Six Dollars per day; the Doorkeepers and Assistant Doorkeepers of each House, and the Sergeants-at-Arms herein provided for the House, shall each receive Four and one-half Dollars per day. The Doorkeeper of the Senate shall be charged with the duty of Sergeants-at-arms and shall keep order in the lobby and in the galleries. The Doorkeeper of the House, assisted by the Sergeant-at-arms, shall keep order in the lobby and in the galleries.

Section 4. The subordinate employees of the Senate shall consist of assistants to the Secretary, not to exceed sixteen (16) in number at any one time, to be appointed by the Secretary of the Senate; assistants to the Enrolling-Engrossing Clerk of the Senate, not to exceed four (4) in number at any one time, to be appointed by the Enrolling-Engrossing Clerk of the Senate; committee clerks not to exceed ten (10) in number at any one time, to be selected or appointed as hereinafter provided; four (4) pages, and two (2) messengers, to be selected or elected as may be provided by resolution of the Senate; two (2) servants and one (1) Doorkeeper of the gallery, to be appointed by the presiding officer of the Senate. The subordinate employees of the House of Representatives shall consist of clerical assistants to the Clerk of the House, not to exceed twenty (20) in number at any one time, to be appointed by the Clerk of the House, with the approval of the Speaker of the House; Clerical assistants to the Enrolling-Engrossing Clerk of the House, not to exceed twenty (20) in number at any one time, to be appointed by the Enrolling-Engrossing Clerk, with the approval of the Speaker of the House; committee clerks not to exceed fifteen (15) in number at any one time, to be selected or appointed as hereinafter provided; six pages (6), four (4) messengers, two (2) servants, and one (1) Doorkeeper of the Gallery, to be appointed by the Speaker of the House. The Doorkeepers of the Galleries of the respective Houses shall each receive Four Dollars per day; the pages and messengers of the respective Houses shall each receive Two Dollars per day and the servants for the respective Houses shall each receive Two Dollars and Fifty Cents per day.

Section 5. The pages and messengers of the Senate and House shall possess such qualifications as may be prescribed by the rules of the respective Houses, and such positions may be filled by persons under fourteen years of age. Of the ten (10) committee

clerks provided for in the Senate, four (4) shall be competent stenographers who shall be appointed by the presiding officer of the Senate, and who shall be deemed Senate clerks, and who shall be subject to call by any member, in the performance of his official duties, to perform such clerical service as may be required of them by such member; six (6) of said clerks shall be named by the Chairman of the particular committee provided with a clerk, and the presiding officer of the Senate, when making appointments of committees, shall designate the committees to which said six (6) clerks, shall be assigned; provided, however, he may require the said six (6) clerks to serve other committees, or perform other services. The fifteen (15) committee clerks herein provided for the House of Representatives shall be appointed by the Speaker of the House, and who shall be subject to call by any member of the House, in the performance of his official duties, to perform such clerical service as may be required of them by such member; and the Speaker of the House, in making appointments of committees, shall designate the committees to which said clerks shall be assigned; provided, however, he may require said clerks to serve other committees or perform other services.

Section 6. The Second Assistant Secretary, Reading Clerk, and Chief Clerk, herein provided for the Senate, shall be appointed by the Secretary of the Senate, who may be by him removed at any time, for cause. The Speaker of the House may, from time to time, appoint as an employee of the House, a Reading Clerk, who shall serve at the pleasure of the Speaker. The two (2) Sergeants-at-Arms, herein provided for the House of Representatives, shall be appointed by the Speaker of the House, who may be by him removed at any time, for cause. The Second Assistant Clerk and the Chief Clerk, herein provided for the House, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House, who may be removed by the Clerk at any time, for cause. All subordinate officers or employees for the Senate herein provided for, whose appointment or election are not provided for, shall be appointed by the presiding officer of the Senate. All subordinate officers or employees for the House herein provided for, whose appointment or election are not provided for, shall be appointed by the Speaker of the House.

Section 7. All subordinate officers and employees of the Senate and of the House of Representatives, whether elected or appointed, shall hold office at the pleasure of their respective Houses, and may be removed for cause at any time, and their employment, and compensation therefor, shall not extend beyond the duration of the session at which they were elected or appointed, except the Secretary of the Senate and the Clerk of the House of Representatives, whose terms of office or employment and compensation as

heretofore, herein or hereafter fixed and provided for shall not be affected by the provisions of this Section. For the purpose of checking, comparing, completing and filing the journals of their respective Houses, in the office of the Secretary of State, and copying and delivering the journals to the State printer, the Secretary of the Senate and the Clerk of the House shall be allowed such clerical assistants as may be provided by resolution of either House, respectively, or by joint resolution. The time allowed, after final adjournment of the legislature, for the filing of the journals in the office of the Secretary of State and completing the work above mentioned is hereby fixed at six (6) weeks. In addition to the duties herein or otherwise imposed upon or required of the Secretary of the Senate and the Clerk of the House, they shall constitute an information bureau for the members of the legislature, and the general public, in-so-far as it is possible for them to obtain the information requested, at the State Capitol. Provided, however, that when their work of completing and filing the journals of their respective Houses has been completed, after final adjournment, their compensation shall be fixed as provided by Section 9-A of the "Budget Control Act" of 1932. Provided further, however, that in the event of the repeal, or the declaring void or unconstitutional, of the Act or the provisions thereof, above mentioned, the Governor shall assign duties to and fix the compensation of the Secretary of the Senate and the Clerk of the House of Representatives.

Section 8. The compensation of all clerks herein authorized and designated, whether committee clerks, stenographers, clerical assistants, typists, register clerks, or otherwise, in the Senate and House of Representatives, except those provided for in Sections 1 and 2 hereof, shall be and is hereby fixed at Four Dollars per day, said compensation to be paid for the time for which said clerks are actually employed. The compensation due the officers and employees herein above named, shall be certified by the presiding officers of the respective Houses, attested by the Secretary or Clerk, as the case may be, to the State Auditor or State Comptroller, or other duly authorized person, who shall issue his warrant therefor.

Section 9. From and after the passage and approval of this Act, the number and compensation of the subordinate officers and employees of the legislature, as herein provided, shall not be increased or changed, except by legislative enactment as required by the Constitution and laws of Alabama. Neither House shall have the power or authority by resolution, except as above stated, to add to the number or compensation of such officers or employees.

Section 10. That the Act entitled An Act "To amend Section 1530 of the Code of Alabama of 1923," Approved January 27, 1927, also the Act "To authorize the Senate and House of Representa-

tives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate," Approved February 20, 1931, be and the same are hereby repealed.

Section 11. This Act shall go into effect thirty (30) days after final adjournment of the present extraordinary session of the legislature, except as to the number and mode of selection of committee clerks for the House of Representatives, provided for in Sections 4 and 5 hereof, which said provisions shall become effective immediately upon the approval of this Act by the Governor, and except as to the Engrossing Clerks of the House and Senate, and as to the Comparing Clerk of the Senate, which offices or positions shall remain as now fixed by law until January 1, 1935.

Section 12. All laws and parts of laws in conflict with the provisions of this Act, except as referred to in the preceding Section, shall be, and the same are hereby expressly repealed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Cowart

Darden
Delony
Edmundson
Garrett
Goodwin
Hildreth

Hooton
Kelley
Lapsley
Lusk
McDaniel
Millsap

Powell
Scruggs
Shepherd
Teasley
Walker
Warren

—24

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 57. Relative to adjournment of the two Houses until Thursday, March 2nd, 1933, at 10: A. M.

And on motion of Mr. Powell, said report was concurred in and the Resolution adopted.

BILLS ON THIRD READING

The bill:

H. 211. To further provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County, Alabama.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Garrett	Millsap	Walker
Cowart	Goodwin	Mullins	Warren
Craft	Hildreth	Powell	Wikle
Darden	Hooton		

—30

The bill:

H. 209. To repeal "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties," in-so-far as it applies to Shelby County, Alabama, which said local Act was adopted by an Act of the Legislature of Alabama, approved February 20, 1889, and appearing in the Acts of Alabama 1888-89 at page 471.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Caffey	Faulk	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	Millsap	Walker
Craft	Hildreth	Mullins	Warren
Darden	Hooton		

—30

The bill:

H. 212. To repeal Sections 1, 2 and 3 of an Act approved April 22, 1911, entitled, "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County," which Act appears at pages 341, 342, 343, 344, 345, 346, 347, 348 and 349 of the Local Acts of Alabama, 1911, as amended by an Act of the Legislature of Alabama of 1915, approved September 4, 1915, and entitled "An Act to amend sections 7, 8, 13, 9, 18 and 22 of an Act entitled 'An Act to provide for the control, working, maintenance, building and improvements of the public roads and bridges of Shelby County, Alabama'", as follows.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Caffey	Faulk	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	Millsap	Walker
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—30

The bill:

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Caffey	Faulk	Lusk	Shepherd
Cooper	Garrett	McDaniel	Tasley
Cowart	Goodwin	Millsap	Walker
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—30

The bill:

H. 183. To amend Section 197, of the 1927 School Code of Alabama.

Was read a third time at length and passed.

Yeas, 21, nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Mullins
Beasley	Delony	Kelley	Powell
Bonner	Goodwin	Lusk	Scruggs
Cooper	Hildreth	McDaniel	Walker
Cowart	Hooton	Millsap	Warren
Craft			

—21

The bill:

H. 237. To alter or rearrange and to fix and establish the boundary line of that portion of the City of Gadsden, Alabama, that lies West of the Coosa River and to incorporate within the corporate limits of said City all the territory bounded by said line and the West bank of the Coosa River, which territory includes all the territory formerly within the corporate limits of Alabama City, Alabama, and other territory:

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Nays:**Messrs.:**

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—30

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

Since your last adjournment, I have appointed the following as Trustees for the Alabama Institute for Deaf and Blind, located at Talladega, to-wit:

From the First District—Hon. Robert E. Gordon, of Mobile, for a term of six years.

From the Second District—Hon. Mark L. Black, of Luverne, for a term of six years.

From the Third District—Hon. J. P. Mitchell, of Headland, for a term of six years.

From the Fourth District—Hon. Thomas P. Hagan, of Sylacauga, for a term of six years.

These appointments are submitted to you for your confirmation or for such other action as to you may seem right and proper.

Respectfully,
B. M. MILLER,
Governor.

February 28, 1933.

GOVERNOR'S MESSAGE

On motion of Mr. Riddle, the Senate confirmed the appointment by His Excellency, the Governor, of the foregoing Trustees for the Alabama Institute for Deaf and Blind.

Yeas, 27; nays, 0.

Yeas:**Messrs.:**

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Edmundson
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap

Mullins
Powell
Riddle
Scruggs
Walker
Warren

—27

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the morning session, which was the motion of Mr. Riddle to take from the adverse calendar, the resolution:

S. R. 27. Requesting the President of the Senate to appoint a committee to investigate utility rates and the possibility of securing a reduction of same.

Which motion was lost.
Yeas, 15; nays, 10.

Yeas:**Messrs.:**

Bartlett
Craft
Darden
Delony

Duncan
Faulk
Garrett
Goodwin

Hubbard
McDaniel
Powell
Riddle

Scruggs
Shepherd
Walker

—15

Nays:**Messrs.:**

Beasley
Bonner
Cooper

Edmundson
Kelley
Lapsley

Lusk
Millsap

Mullins
Teasley

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. St. John:

H. 13. To provide for the distribution of appropriations for the year 1933-1934 which are apportioned by the State Board of Education according to the attendance of children in public schools.

Also:

By Mr. Fite:

H. 248. To amend Section 3760 of the 1923 Code of Alabama. And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 13, to the Committee on Finance and Taxation,

H. 248, to the Committee on Judiciary.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twelfth Legislative Day approved.

ADJOURNMENT

At 4:20 P. M., on motion of Mr. Hooton, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 2nd, 1933, at 10: A. M.

THIRTEENTH DAY

Thursday, March 2nd, 1933

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. W. G. Cutts, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

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JOURNAL

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Walker, leave of absence was granted Mr. Fletcher for today.

On motion of Mr. Kelley, leave of absence was granted Mr. Lapsley for today.

On motion of Mr. McDowell, leave of absence was granted Mr. Scruggs for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Warren:

S. 160. To amend Section 8 of that certain Act entitled "An act to amend an act entitled an act in relation to the Educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama Schools of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and University of Alabama; and to prescribe conditions of apportionment and expenditure of such funds or appropriations, approved August 25, 1927," approved November 9, 1932.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 161. To authorize and provide a fund to be known as the State Security fund, which is to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all Departments, Agencies, Institutions, Boards and Commissions of the State and the several counties of the State from loss on account of the acts of any officers, agents and employees of the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a certificate of indemnity payable out of said security fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respects be governed by Chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this Act shall be under the State Comptroller; to provide for the expense of administration of this Act.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Yerby:

H. 14. For the relief of clerks of the Circuit Courts in Alabama.

By Mr. Green (with substitute):

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act To Provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266 Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,' " as amended.

Mr. Scruggs, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hooton (with amendment):

S. 92. To amend Section 7416 of the 1923 Code of Alabama.

By Mr. Hooton (with amendment):

S. 154. To amend "An Act to authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," Which is to be paid to said counties under the provisions of

Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective counties, and to repeal all laws and parts of laws in conflict with this Act." Approved November 8, 1932. So that the same shall read as follows: An Act to authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than Seventeen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An act in reference to, and to further provide for the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of public school teachers for teaching school in class room work in the public schools in the respective counties, and to repeal all laws and parts of laws in conflict with this Act.

By Mr. Hooton:

S. 94. To amend Section 3427 of the 1923 Code of Alabama.

By Mr. Scruggs:

S. 147. To authorize, empower, and direct the Alabama State Bridge Corporation to issue annual passes to all physicians, to be used only when on professional calls; to all State and County officers, to be used only when on official business for the State and County; and to all soldiers or sailors, or other persons in the Military or Naval forces, when reporting to or returning from drill or encampment, or other military duties; said passes to permit said persons to cross over any or all of the toll bridges owned or controlled by the said Alabama State Bridge Corporation; and to prescribe the maximum charges to such physicians and/or officers and/or soldiers or sailors for issuing said passes; to prescribe the method and manner of issuing the same and to fix penalties for the fraudulent use of such passes.

By Mr. Hooton:

S. 93. To amend Section 3428 of the 1923 Code of Alabama.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and or-

dered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mullins (with amendment):

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Glover (with notice and proof):

H. 283. To authorize the County Board of Education of Elmore County, Alabama, upon the recommendation of the County Superintendent of Education of said County to borrow money on the credit of the School Fund of said County to meet salaries of teachers and current expenses when the current funds on hand are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year; to make it the duty of said County Board of Education and said County Superintendent of Education to secure such loan if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries; and to provide that all such current loans, except such as are based on said County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year; and to provide that the amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

By Mr. Sossaman (with notice and proof):

H. 198. To abolish the office of Assistant Coroner for Mobile County.

By Mr. Sossaman (with notice and proof):

H. 199. To allow the Coroner of Mobile County \$200.00 per year for expenses incurred in the operation of his office.

By Mr. Rish of Houston (with notice and proof):

H. 256. To provide for the compensation of the members of the Board of Review of Houston County, Alabama, while serving in that capacity, said compensation to be in addition to the salary

received as members of the Board of County Commissioners of said County, under local Act 1931, page 266, et seq. approved July 23, 1931.

By Mr. McGraw (with notice and proof):

H. 210. To provide for and regulate the purchasing of supplies, for which the County is liable, for the County officials, the county offices and every department of the County, including supplies, books, material, office equipment, printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding.

By Mr. Duke (with notice and proof):

H. 264. To alter and re-arrange the commissioners district lines of Lee County, Alabama.

Mr. Hubbard, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Culver:

H. 232. To require the State Superintendent of Education to renew or extend the teachers' certificates now held by the teachers in the schools of the State of Alabama for a period of three years without requiring additional study.

By Mr. Hildreth:

S. 159. To amend Section 130 of the School Code of Alabama, approved November 8, 1932.

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanderson:

H. 251. To provide for and establish a commission in each county of the State of Alabama having a population of not less than 75,000 and not more than 99,000 inhabitants, according to the last or any subsequent Federal census, to cooperate with the Commissioner of Agriculture and Industries of the State of Alabama for the encouragement of breeding and raising horses, through speed contests of horses and horse exhibitions in such counties; to prescribe the powers, duties and qualifications of such commission; to provide that such commission may authorize speed contests of horses and permit person, corporation or association to con-

duct mutuel or cooperative pools; to provide for the license therefor; to provide for the payment of necessary expenses of such commission; to provide suitable stakes and purses for such speed contests; to provide for the appointment of such commission and to repeal all laws and parts of laws in conflict herewith.

ADVERSE REPORT

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit: By Mr. Fite:

H. 248. To amend Section 3760 of the 1923 Code of Alabama.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House, after adjournment, for the completion of the journals, and fixing the time for filing of same in the office of the Secretary of State and delivery of copy thereof to the state printer. Providing for an information bureau for the members of the Legislature, and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives, after adjournment, and to repeal An Act "To amend Section 1530 of the Code of Alabama of 1923," Approved January 27, 1927, also the Act "To authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate," Approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury, to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

Also:

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff, and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or sub-division of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such compensation out of the County Treasury; and to repeal the Act approved August 11th, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office,

to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th, 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal.'"

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McClendon (with notice and proof):

H. 57. To relieve all persons in St. Clair County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in St. Clair County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice of intention to apply for passage by the Legislature of Alabama, at the extraordinary session thereof called to convene January 31, 1933, of the following local law applicable to St. Clair County, Alabama, to-wit:

A BILL TO BE ENTITLED AN ACT

To relieve all persons in St. Clair County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in St. Clair County, Alabama.

Be it enacted by the Legislature of Alabama.

Section 1. That all persons in St. Clair County, Alabama, shall be relieved of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such legal obligation to work on the public roads in St. Clair County, Alabama.

Section 2. That all laws, both general and local, in conflict herewith be, and the same are hereby repealed.

Section 3. That this Act shall take effect upon its approval by the Governor.

State of Alabama }
St. Clair County }

Before me the undersigned authority in and for said State and County, personally appeared B. B. Cather, who, being first duly sworn, deposes and says that he is Manager of the Southern Aegis, a newspaper published regularly in St. Clair County, Alabama, and that the attached notice of intention to apply for passage of local law, was published in the issues of the Southern

Aegis, said newspaper, on the dates of, to-wit, Jan. 6, 1933; Jan. 13, 1933; Jan. 20, 1933; and Jan. 27, 1933.

B. B. CATHER,
Manager, Southern Aegis.

Subscribed and sworn to before me, this 30 day of Jan., 1933.

M. W. FORMAN,
Notary Public.

Also:

By Mr. McClendon (notice and proof):

H. 224. To repeal Sections 5, 6, 12 and 13 of an Act of the Legislature of Alabama, entitled "An Act to provide for the establishment, maintenance, repair and regulation of public highways; including bridges and ferries, in St. Clair County," approved September 29, 1919. (Local Acts 1919, pages 245 to 252, both inclusive.)

With notice and proof thereto attached and herewith exhibited as follows:

Notice of intention to apply for passage by the Legislature of Alabama, at the extraordinary session thereof called to convene January 31, 1933, of the following local law applicable to St. Clair County, Alabama, to-wit:

AN ACT

To repeal Sections 5, 6, 12 and 13 of an Act of the Legislature of Alabama, entitled "An Act to provide for the establishment, maintenance repair and regulation of public highways, including bridges and ferries, in St. Clair County," approved September 29, 1919, (Local Acts 1919, pages 245 to 252, both inclusive.)

Be It Enacted, by the Legislature of Alabama, that Sections 5, 6, 12 and 13 of an Act entitled, "An Act to provide for the establishment, maintenance, repair and regulation of public highways; including bridges and ferries in St. Clair County," approved September 29, 1919, (Local Acts 1919, pages 245 and 252 both inclusive,) be and the same is hereby repealed and annulled.

State of Alabama }
St. Clair County }

Before me the undersigned authority in and for said State and County, personally appeared B. B. Cather, who being first duly sworn, deposes and says that he is Manager of the *Southern Aegis*, a newspaper published regularly in St. Clair County, Alabama, and that the attached notice of intention to apply for passage of local law, was published in the issues of the *Southern Aegis*, said newspaper, on the dates of, to-wit: Jan. 13, 1933, Jan. 20, 1933, Jan. 27, 1933, and Feb. 3, 1933.

B. B. CATHER.

Subscribed and sworn to before me, this 4th day of Feb., 1933.

M. W. FORMAN,
Notary Public.

(Seal)

Also:

By Mr. Manasco (with notice and proof):

H. 280. To provide for the payment out of the General Fund of Walker County, Alabama, the sum of One Hundred Dollars to

H. O. Jackson, and Seventy-Five Dollars to George Byars, for services as Special Deputy Sheriffs.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the extraordinary session of the Legislature of Alabama, which convenes on the 31st day of January, 1933, a bill to be entitled an act for the relief of H. O. Jackson and George Byars, former Special Deputy Sheriffs of Walker County, Alabama, for work heretofore performed for Walker County, Alabama as said Special Deputy Sheriffs, as follows: For H. O. Jackson the sum of One Hundred Dollars for one half month's labor performed and for George Byars the sum of Seventy Five Dollars for one half month's labor performed.

CARTER MANASCO,
Representative.
J. CARL SHEPHERD,
Representative.

The State of Alabama, }
Walker County }

Before me, the undersigned authority in and for said State and County, this day personally appeared Irving A. Dove, Publisher of The Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached was published in the said Jasper Advertiser once a week for 4 consecutive weeks namely Jan. 18-25 Feb. 1-8.

MRS. IRVING A. DOVE,
Publisher.

Sworn and subscribed to before me, this 15th day of February, 1933.

(Seal) FRANCES W. ATKINS,
Notary Public.

Also:

By Mr. St. John (notice and proof):

H. 294. To repeal an Act to provide for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a highway commission for said County, and defining its powers, jurisdiction and duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced and passed at the forthcoming special session of the Legislature of Alabama, to-wit:

A BILL TO BE ENTITLED AN ACT.

To repeal an Act to provide for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a Highway Commission for said County, and defining its powers, jurisdictions and duties.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act, entitled an Act to provide for the establishing, construction and maintaining of public roads of Cullman County, Alabama;

creating a Highway Commission for said County, and defining its powers, jurisdiction and duties, approved September 26, 1923, be and the same is hereby repealed.

The State of Alabama }
Cullman, Alabama }

Before me, Leona Torrey, a notary public in and for said County and State, personally appeared Joseph R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of the said newspaper of the following dates, viz: Jan. 26, Feb. 2, 9, 16, 1933.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this the 16th day of February, 1933.
LEONA TORREY,
Notary Public.

Also:

By Mr. St. John (notice and proof):

H. 295. To provide for the establishing, construction and maintaining of public roads, culverts and bridges in Cullman County, Alabama; creating a Highway Commission for said county and defining its powers, jurisdiction and duties; providing for the appointment and election and term of office of its members, prescribing the qualifications for the members thereof, and providing for their compensation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced and passed at the forthcoming special session of the Legislature of Alabama, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the establishing, constructing and maintaining of public roads, culverts and bridges in Cullman County, Alabama; creating a Highway Commission for said county and defining its powers, jurisdiction and duties, providing for the appointment and election and term of office of its members, prescribing the qualifications for the members thereof, and providing for their compensation.

Be it enacted by the Legislature of Alabama:

There is hereby created a Highway Commission for Cullman County, Alabama, to be known and designated as "Cullman County Highway Commission," to be composed of a chairman, to be known as the chairman of the Cullman County Highway Commission, and four associate commissioners, all of whom shall be appointed by the Governor, and shall at the time of their appointment be qualified electors of Cullman County, Alabama. The chairman of said Highway Commission shall hold office from the date of his appointment and qualification until the first Monday after the second Tuesday in January, 1939. At the general election in Alabama in 1938 his successor shall be elected by the qualified electors of Cullman County, and every six years thereafter. Two of said associate commissioners shall hold office from the

date of their appointment and qualification until the first Monday after the second Tuesday in January, 1935, and two of said associate commissioners shall hold office from the date of their appointment and qualification until the first Monday after the second Tuesday in January, 1937. The Governor, in making his appointment, shall designate which of said commissioners shall hold office until January, 1935, and which shall hold office until January, 1937. All vacancies shall be filled by appointment of the Governor. At the general election of 1934 there shall be elected two associate commissioners by the qualified electors of said county, as successors to the two commissioners whose term expires in January, 1933, and every four years thereafter. At the general election in 1936 there shall be elected by the qualified electors of said county two associate commissioners as successors to those whose term expires in January, 1937, and every four years thereafter.

Before assuming the duties of their office the members of said commission shall take the oath of office prescribed by law to other officers of this State. Before entering upon the duties of their office, the chairman and each of said associate commissioners shall execute a bond in the sum of two thousand (\$2,000.00) dollars, conditioned and payable as required by law for other official bonds for county officers, to be approved by one of the circuit judges of the Eighth Judicial Circuit. In the event said bonds are secured by a surety company, the said Commission is authorized to pay the premium thereon out of the road and bridge fund of said county.

Sec. 2. The said Highway Commission shall maintain an office in the City of Cullman, Alabama, to be furnished by the Court of County Commissioners of said County, and shall hold regular meetings on the first Monday of each month, for the transaction of such business as may come before it, and shall hold such special meetings, subject to the call of the chairman, as may be necessary for the transaction of the business of said Commission. The affirmative votes of three members of said Highway Commission shall be sufficient to decide any question coming before said Commission for decision. Such Commission, as soon after the appointment and qualification of the members thereof as practicable, shall divide the said county into four road districts, said road districts to be so divided that each of said associate commissioners shall reside in a separate district, and their successors shall each reside in a separate district as laid off and divided by said Highway Commission. The Commission shall designate said districts as District No. 1; District No. 2; District No. 3; and District No. 4.

The chairman of said Commission shall receive a salary of one hundred and fifty dollars per month, on the first day of each month, to be paid on a warrant issued by the chairman of said Commission, by the treasurer of said county or other custodian of the public funds of said county, out of the road and bridge funds of said county. Each of said associate commissioners shall receive as their compensation the sum of three dollars per day for every day in which they work.

Said associate commissioners shall file an itemized statement of the amount of work performed by them during each month, with said Highway Commission, to be audited by said Commission and allowed and paid out of the road and bridge fund of said county on a warrant issued by the chairman of said Commission, which warrant shall be paid by the county treasurer or other custodian of the public funds of said county.

Sec. 3. The said Highway Commission is hereby invested with a general and exclusive jurisdiction and superintendence of public roads and bridges in said county, and may establish new roads and change and discontinue old roads in the same manner and to the same extent as now exercised by the Court of County Commissioners of said county; and all the jurisdiction, powers and authority now conferred by law on the Courts of County Commissioners of Boards of Revenue of the several counties of this State under the general laws of the State, as to public roads and bridges of Cullman County, be and the same are hereby conferred on the said Highway Commission of

Cullman County, Alabama; and all jurisdiction of the said Court of County Commissioners of said county over the public roads and bridges and road and bridge fund of said county is hereby abolished.

Section 4. Said Commission shall have power and authority to employ necessary foremen and overseers, and other labor, and teams, as may be necessary for the construction, maintenance and improvement of the roads and bridges in said county and to fix their compensation; and to buy necessary machinery, tools, implements, books, records and stationery to be used by said Commission, and other necessary equipment and road material which in their judgment is necessary for the use on the public roads and bridges of said county, and to provide for the necessary sheltering and housing of the same, and to pay all necessary expenses incurred by said Commission, or the members thereof, in and about the performance of their duties under this act.

Said Commission shall have authority, when it deems it necessary, to employ an engineer, on such terms and for such time as is necessary in the location or change of any public road in said county, and to pay him for his services out of the road and bridge fund of the said county as the members of said Commission are paid. Such Commission shall have exclusive jurisdiction and control over the expenditure of all road and bridge funds in said county, from whatsoever source obtained, and shall pay the same out upon warrants issued by the chairman of said Commission, after having been authorized by the vote of three or more members of said Commission; and the treasurer of said county, or other custodian of the public funds of said county, shall pay all warrants authorized by said Commission and drawn by its chairman, upon their presentation, out of the road and bridge fund of said county.

The chairman of said Commission shall vote on all matters coming before said Commission for its decision.

Sec. 5. Said Commission shall have the power and authority to employ a clerk of said Commission, whose duty shall be to keep a true and correct record of the proceedings of said Commission, as required by law of Courts of County Commissioners, as to proceedings with reference to public roads and bridges, and of the receipts and disbursements thereof, and to keep a record of all tools, machinery and implements and road material, and a list of road hands in such districts, and the names of all roads in the county, and shall perform such other duties as may be required of him by the said Commission. Said clerk shall receive such salary or compensation as may be fixed by said Commission, to be paid out of the road and bridge fund of said county on warrants issued by the chairman of said Commission, in the same manner as the members of said Commission are paid.

Sec. 6. Each of said associate commissioners hereinbefore provided for, shall make a true and correct itemized report of all work done in his district, and of the condition of the roads and bridges in his district, the labor employed, and a true and correct statement of the amount due each laborer for his work, and all other expenses in connection with the road work in his district, at the end of each month, which shall be audited by said Commission, and if found correct, the Commission shall order a warrant drawn in favor of any person to whom any money is due, for the amount so due. No warrants shall be drawn for the payment of any claim against the road and bridge fund of said county, except upon a duly itemized, verified account thereof being filed with said Commission and duly audited and allowed by said Commission.

Sec. 7. Said Commission shall, as soon after their appointment as practicable, appoint as many road overseers or foremen in their respective districts as may be necessary for the working and maintenance and construction of roads and bridges in said county, which said overseer or foremen shall apportion the road hands in their respective districts to the different roads therein, and shall call out the hands on said roads for the purpose of maintaining and working said roads, at such times as the said Commission may deem best,

and report to the grand jury of said county at its next regular term any overseer or hand who fails to discharge his duty as such.

Sec. 8. All persons over eighteen and under forty-five years of age are liable to work on the public roads in said county for five days in each year, except such as are exempt under Section 1354 of the Code of 1923, and all provisions of the general law of the State of Alabama with reference to the public roads and as to working same, and to exemptions to road duty and manner of obtaining exemptions, and all other provisions as to public roads, shall be applicable to the working of the public roads in said county, except where same is in conflict with the provisions of this Act.

Sec. 9. That any person liable to road duty may be exempt from work by himself, or substitute, by paying to the overseer of the road to which he is apportioned, on or before the first day of February of the current year for which he is liable to road duty, the sum of three dollars, which shall exempt him from road work for the year.

The highway Commission of said county shall cause to be printed receipt books, with stubs, and furnish each foreman and overseer with a sufficient supply of such books, and when and as often as any person liable to road duty pay and overseer or foreman, in lieu of working, such overseer or foreman shall give such person a receipt for the amount paid and shall number the stubs to correspond with the number of the receipts, and such stubs shall show the amount receipted and from whom. The overseer or foreman shall from time to time pay such over to the chairman of said Commission, taking his receipts therefor, who in turn shall pay the same to the county treasurer or other custodian of public funds of the county, to be placed to the credit of the road and bridge fund of said county. All overseers and foremen shall, on or before the first day of March of each year, deliver to the chairman of said Commission all stubs of receipts for money collected from road hands. Any road overseer or foreman who converts such money to his own use, or to the use of another, or who wilfully fails or refuses to account for the same, as required by law, shall be guilty of embezzlement and upon conviction shall be punished accordingly. All money collected from persons liable to road duty shall be devoted to the maintenance and construction of the public roads and bridges of the road to which the person paying the same was apportioned.

Sec. 10. The Court of County Commissioners of said county may transfer to the road fund of the county any surplus of the general funds of the county in the county treasury, or any part of said surplus, whenever in the judgment of said Court it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used for the working of the public roads or the building of bridges or otherwise improving the public roads as the said Highway Commission may determine.

Sec. 11. All the jurisdiction, power and authority now conferred by the general laws of the State on the Court of County Commissioners, or Boards of Revenue, as to the public bridges and culverts in Cullman County, Alabama, is hereby conferred on said Highway Commission of Cullman County.

Sec. 12. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, with notice to be given, the kind of tools or implements to be brought by the hands, and also the general laws as to road defaulters and the punishment and prosecution of the same, shall not be construed to be repealed by this Act, but the same shall be in full force and effect as to Cullman County.

Sec. 13. That in addition to the authority conferred by the general laws of the state on the Courts of County Commissioners or Boards of Revenue, for the adoption of rules and regulations for the working and maintaining of public roads and bridges, said Highway Commission is hereby authorized and empowered to adopt such further and additional rules and regulations as in its judgment may be necessary to the proper working and to the proper construction and maintenance of the roads and bridges in said county.

Sec. 14. That any person, firm or corporation, who diverts any surface water from its natural course and allows the same to flow into, over or on any public road in said county, or who shall throw up any obstruction or embankment on any land near to a public road so as to cause the water to flow into, or along said road, or who shall otherwise obstruct or injure any public road or bridge in said county, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Sec. 15. That any person who owns land or who is in possession of land that abuts any public road in said county and in the cultivation of said land plows too near the edge of any road, and thereby permits earth or debris to obstruct the flow of water in any ditch or drainage connected with said road, or any person who shall by any other manner obstruct any ditch along any public road to drain the same, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than twenty dollars, and said fine when paid shall be turned over to the road overseer on said road and spent in repairing the injury or damage done to said road.

Sec. 16. That the overseers of the public roads in said county shall have the power and authority to dismiss from service any hand, whether working for himself, or as a hired hand, who shall fail or refuse to do good any sufficient work, or obey any reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice to work on the road for which he was warned.

Sec. 17. That the overseer shall preserve carefully all the tools and implements for working on the road turned over to him at any time by the Highway Commission of such county or by the foreman of his district, and shall use same only to work on public roads, and shall deliver the same to his successor or to the foreman, taking his receipt therefor, or on the order of the Highway Commission.

Sec. 18. That the said Highway Commission may at any time remove any overseer of roads, or road foreman, for neglect of duty, incompetency, drunkenness or any other reasonable cause; and in case of death, resignation or removal of any overseer or road foreman, said Highway Commission shall have the power and authority at any time to fill the vacancy thereby caused. In the case of removal of any overseer or foreman or resignation, he shall become at once liable to road duty and his name added to the list of hands in his beat.

Sec. 19. That any overseer or road foreman who fails to perform his duty as such under the provision of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars and not more than twenty-five dollars.

Sec. 20. That the Highway Commission of Cullman County shall have the exclusive control and management of the public roads and bridges in said county and manner of working and maintaining new roads upon the same proceedings as are applicable under the general law of the state of Alabama governing the same by the Courts of County Commissioners, or Board of Revenue, and shall by deed of easement obtain rights-of-way for public road purposes, and shall have the right as provided under the general law as to condemnation proceedings for such purpose; but shall not have any jurisdiction over the establishment, granting or opening of private or settlement roads.

Sec. 21. That said Highway Commission shall exercise the same jurisdiction, power and authority as to the construction and repair of the bridges in said county, and as to letting same by contract, or otherwise, as provided by the general law for the construction, repair and contracting of same by the Courts of County Commissioners or Boards of Revenue.

Sec. 22. That if any section or provision of this Act shall be declared void or unconstitutional, it shall not affect the validity or constitutionality of any other sections or provisions which is not in or of itself void or unconstitutional.

Sec. 23. That, except so far as the same may be in conflict with this Act, the general laws now in force in this State with reference to public roads and highways shall be in force in Cullman County.

Sec. 24. That all contracts heretofore made by the highway Commissioners of Cullman County, as it was previously established and existing under an Act of the Legislature of Alabama of 1923, to provide for the establishing construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a Highway Commission for said County and defining its powers, jurisdiction and duties, and approved September 26, 1923 and all contracts entered into or made by the present Board of Public Road and Bridge Commissioners of Cullman County, be and the same are hereby ratified and confirmed.

And it shall be the duty of said Commission to audit, allow and pay such claims as may be found by it to be just and due. All such claims are hereby declared to be lawful claims against the road and bridge fund of said county.

Sec. 25. That said Cullman County Highway Commission may sue and be sued in any of the courts of this State, having jurisdiction of the subject matter of such suit, for any debt or claim, or other right of action, which any person, firm or corporation may have against the road and bridge fund of said county; and for any debt, claim or other right of action which said Commission may have against any person, firm or corporation; but no suit shall be filed against said Commission until a duly itemized, verified account thereof has been filed with said Commission and disapproved, or reduced by said Commission. Said Commission shall have the right to employ the services of an attorney, or attorneys, whenever deemed advisable for said Commission, and pay for such services out of the road and bridge fund of said county.

Sec. 26. The said Highway Commission is hereby given the right of eminent domain for the purpose of establishing and changing public roads and bridges in said county, under the same provisions as now provided by law for Boards of Revenue and Courts of County Commissioners, or other like governing bodies of the several counties of the State.

Sec. 27. That all laws and parts of laws, general or local, in conflict with the provisions of this Act, be and the same are hereby repealed in so far as they pertain to Cullman County.

Sec. 28. That this Act shall take effect immediately upon its approval by the Governor.

AN ACT

Case.....vs....., Printer's Fee \$173.70.

PROBATE CHANCERY COURT

3860 words 4 times. Date of first insertion Jan. 26, 1933. Legal rate: 1½ cents per word for first insertion, 1 cent per word for each subsequent insertion. Divorce cases must be paid for in advance. Other advertising fees will be charged to the attorney or party furnishing the copy, unless the estate is ample to guarantee payment.

The State of Alabama }
Cullman, Alabama }

Before me, Leona Torrey a notary public in and for said County and State, personally appeared Joseph R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of the said newspaper of the following dates, viz: Jan. 26, Feb. 2, 9, 16, 1933.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this the 16th day of February, 1933.
LEONA TORREY,
Notary Public.

Also:

By Mr. Morrow (by request):

H. 192. To amend section 19 of the act approved July 20, 1931, entitled an act "To establish an Inferior Court of Record in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census and to define its jurisdiction and powers; to provide officers therefor and to fix their qualifications, powers, duties and compensation; to prescribe the practice and procedure therein and the way, manner and method of appeals therefrom."

Also:

By Mr. Bradford (of Jefferson):

H. 246. Relating to sentences imposed by courts of competent jurisdiction for violation of ordinances of cities and towns in counties having a population of 300,000 or more according to the last or any subsequent Federal census; and, without limiting the generality of the foregoing, to provide for the suspension of execution, the execution after suspension, and the remission of, such sentences or any part thereof.

Also:

By Mr. St. John:

H. 279. To repeal an Act "To provide for establishing, constructing and maintaining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and to provide their compensation." Approved the 16th day of February, 1931.

Also:

By Mr. St. John:

H. 282. To repeal an Act "To amend Section 1 of an Act entitled An Act to provide for establishing, constructing and maintaining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the

selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and provide their compensation. Approved the 16th day of February, 1931."

Also:

By Mr. Morrow:

H. 300. To provide that wherever any justice of the peace court or the court of any notary public with powers of the justices of the peace or any court created in lieu of justices of the peace or in lieu of notaries public with powers of justices of the peace have since the 31st day of January, 1933, been abolished or shall be hereafter abolished, and any court is created in lieu of such abolished court, all cases, causes of action and judgments pending in the court abolished at the time of its abolition, shall be transferred to the court created in lieu of the abolished court.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

House bills 57, 224, 280, 294, 295, 279, and 282, to the Committee on Local Legislation.

House bills, 192, 246 and 300, to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 183. To amend Section 197 of the 1927 School Code of Alabama.

Also:

H. 209. To repeal "An Act to regulate the fine and forfeiture fund of Elmore and Shelby Counties," in-so-far as it applies to Shelby County, Alabama, which said local Act was adopted by an Act of the Legislature of Alabama, approved February 20, 1889, and appearing in the Acts of Alabama 1888-89 at page 471.

Also:

H. 211. To further provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County, Alabama.

Also:

H. 212. To repeal Sections 1, 2 and 3 of an Act approved April 22, 1911, entitled, "An Act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby County," which Act appears at pages 341, 342,

343, 344, 345, 346, 347, 348 and 349 of the Local Acts of Alabama, 1911, as amended by an Act of the Legislature of Alabama of 1915, approved September 4, 1915, and entitled, "An Act to amend sections 7, 8, 13, 9, 18 and 22 of an Act entitled 'An Act to provide for the control, working, maintenance, building and improvements of the public roads and bridges of Shelby County, Alabama'", as follows.

Also:

H. 237. To alter or rearrange and to fix and establish the boundary line of that portion of the City of Gadsden, Alabama, that lies West of the Coosa River and to incorporate within the corporate limits of said City all the territory bounded by said line and the West bank of the Coosa River, which territory includes all the territory formerly within the corporate limits of Alabama City, Alabama, and other territory.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Faulk offered the following joint resolution:

S. J. R. 32. BE IT RESOLVED by the Senate, the House concurring, that whereas on next Saturday, March 4th, 1933, a new deal in behalf of "The Forgotten Man" will be dealt in the Capitol of the United States when the man, who had the foresight to rediscover "The Forgotten Man," to-wit: Honorable Franklin Delano Roosevelt, will be inaugurated as the President of the United States, and that;

WHEREAS, the great emergency exists in that when that great man takes the post as the Chief Executive of the United States there will be closed a larger percentage of the banks and other financial institutions than has been closed since the foundation of this government for and on account of the economic conditions that are now most acute within the memory of those now living;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House concurring that under these conditions, when men are losing their life savings and they are vanishing overnight, that it is the sense of a majority of the members of the two houses of the Legislature of the great State of Alabama that this is no time to consider the raising of further or other taxes or of any increase in

those already levied on an already over-taxed and over-burdened public, and that as representatives of a free and independent Constituency, it is our judgment that our people should be so informed by their lawmakers now assembled at the Capitol in **Montgomery** and that we take this method of so informing the people that we will not under such circumstances place any additional burden on the already over-burdened public who pay these taxes and that we will not further consider so taxing them.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 33. Resolved, by the Senate of the State of Alabama, the House of Representatives concurring, that the action of the Governor of Alabama, concurred in by the Superintendent of Banks, proclaiming a banking holiday as and subject to the conditions set forth in the proclamation of the Governor dated the first day of March, 1933, and effective upon said date, be and the same is hereby ratified, approved and confirmed.

Which was adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 34. BE it resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, March 3rd, 1933, at 10 o'clock, A. M.

An on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

Mr. Mullins offered the following resolution:

S. R. 35. Be it resolved by the Senate of Alabama that the Rules of the Senate be amended by permitting the employment of two additional clerks for the present special session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

CALENDAR BILL RE-REFERRED

On motion of Mr. Darden, the bill:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judges and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers,

for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts; and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," Approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

H. 43. For the relief of Lieutenant Charles A. Jones, Junior, First Lieutenant of the One Hundred and Sixth Observation Squadron of the Alabama National Guard.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Caffey
Coward
Craft

Darden
Delony
Duncan
Edmundson
Garrett
Hildreth

Hooton
Hubbard
Kelley
McDaniel
McDowell
Mullins

Powell
Riddle
Shepherd
Teasley
Warren
Wikle

The bill:

S. 128. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to provide for the payment of the same, and to fix the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

—31

The bill:

H. 193. To further regulate the Municipal Court of Birmingham, Alabama, to extend the territorial jurisdiction of said court to include Precinct 42 of Jefferson County, Alabama, and to provide that the said Court shall be in lieu of all justices of the peace and all Notaries Public ex-officio justices of the Peace and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex-officio justices of the peace in said precinct; to provide for the holding of said court in said precinct; to define the jurisdiction and powers of said court and fix the duties of said deputy clerk and all other officers of said court in said precinct; to provide a term for said deputy clerk in said precinct; to provide a method of appointing and a method of fixing the salary of said deputy clerk and the manner of paying said salary; to repeal all laws in conflict with the provisions of this act and to provide when this act shall become effective.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

—31

The bill:

S. 138. To require the Board of Review of the several counties of this State to give each tax payer of the county whose assessment for taxes are sought to be increased, ten days written

notice by Registered United States Mail, with return registration receipt requested, of the time and the place set for the hearing by the said Board of Review of each tax payer's assessment and the amount of the proposed raise, and any increase made without such notice having been given shall be null and void as to the increase made at said hearing of the Board of Review as to such person; and it is made the duty of the Secretary or Clerk of the Board of Review of the several counties of this State to give such registered notices.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Garrett	McDaniel
Beasley	Darden	Hildreth	Mullins
Brown	Delony	Hooton	Powell
Caffey	Duncan	Hubbard	Shepherd
Cooper	Edmundson	Kelley	Warren
Cowart	Faulk	Lusk	Wikle

—24

The bill:

H. 130. To provide for the giving up by the State of Alabama and its officials of all its possession, claim, right and interest in and to the following described real estate located in Elmore County, Alabama, to-wit: "That part of sub-division D lying North of the Section line between Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), and Section three (3), Township Seventeen (17), Range Eighteen (18), being situated in Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), lying South of the main stream of the Tallapoosa River and being surrounded by the so called Dead River, being the former stream of the Tallapoosa River and containing 27 acres, more or less, according to the map made by Mr. C. A. Pickett, County Surveyor of Montgomery County, May, 1930" to Mrs. C. E. Gaddis, Wetumpka, Elmore County, Alabama.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	Mullins
Beasley	Darden	Hooton	Powell
Brown	Delony	Hubbard	Riddle
Caffey	Duncan	Kelley	Shepherd
Cooper	Faulk	Lusk	Warren
Cowart	Garrett	McDowell	Wikle

—24

The bill:

S. 28. To amend Section 37 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools", approved November 9, 1932.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill; to-wit:

Amend subsection 11 of S. 28 by striking therefrom the figures \$50,000.00 wherever the same appears and inserting in lieu thereof the figures \$100,000.00.

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	McDaniel	Riddle
Brown	Duncan	McDowell	Shepherd
Cooper	Garrett	Millsap	Walker
Cowart	Hildreth	Mullins	Warren
Craft	Kelley	Powell	Wikle
Darden	Lusk		

—22

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Lusk	Riddle
Brown	Duncan	McDaniel	Shepherd
Caffey	Faulk	McDowell	Teasley
Cooper	Garrett	Millsap	Walker
Cowart	Hildreth	Mullins	Warren
Craft	Hubbard	Powell	Wikle
Darden	Kelley		

—26

The bill:

S. 23. To amend Section 26 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was taken up.

Mr. Teasley moved that further consideration of said bill be indefinitely postponed.

Mr. Faulk moved to table the motion to indefinitely postpone, which motion prevailed.

Yeas, 14; nays, 13.

*Yeas:**Messrs.:*Bartlett
Bonner
Caffey
CowartCraft
Delony
Faulk
GarrettHildreth
Lusk
ShepherdWalker
Warren
Wikle

—14

*Nays:**Messrs.:*Beasley
Brown
Darden
EdmundsonHooton
Hubbard
KelleyMcDaniel
McDowell
MillsapMullins
Powell
Teasley

—13

Mr. Hildreth moved that further consideration of said bill be postponed until the 15th Legislative Day.

Mr. Teasley moved to lay said motion on the table, which motion was lost.

Yeas, 14; nays, 15.

*Yeas:**Messrs.:*Beasley
Brown
Cooper
DardenEdmundson
Hooton
Hubbard
KelleyMcDaniel
McDowell
MillsapMullins
Powell
Teasley

—14

*Nays:**Messrs.:*Bartlett
Bonner
Caffey
CowartCraft
Delony
Duncan
FaulkGarrett
Hildreth
Lusk
ShepherdWalker
Warren
Wikle

—15

The motion of Mr Hildreth to postpone said bill until the 15th Legislative Day then prevailed, and said bill was so postponed.

The bill:

S. 36. To amend Section 22 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was taken up.

On motion of Mr Riddle, further consideration of said bill was postponed until the 15th Legislative Day.

The bill:

S. 34. To amend Section 24 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Riddle
Brown	Duncan	Lusk	Shepherd
Caffey	Garrett	McDowell	Walker
Cooper	Hildreth	Millsap	Warren
Cowart	Hooton	Mullins	Wikle
Craft			

—25

The bill:

S. 38. To amend Section 7 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools" approved November 9, 1932.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

To amend S. 38 by striking therefrom the figures \$3,000.00 wherever the same appear therein and inserting in lieu thereof the figures \$4,000.00

Further amend said bill by striking therefrom the figures \$2,-100.00 wherever the same appear therein and inserting in lieu thereof the figures \$2,400.00.

Further amend said bill by striking out the figures \$1,800.00 wherever the same appear therein and inserting in lieu thereof the figures \$1,920.00

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Powell
Caffey	Duncan	Lusk	Riddle
Cooper	Faulk	McDaniel	Shepherd
Cowart	Garrett	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden	Hubbard	Mullins	

—23

Nay: Mr. Beasley

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Mullins
Caffey	Duncan	Kelley	Powell
Cooper	Faulk	Lusk	Riddle
Cowart	Garrett	McDaniel	Shepherd
Craft	Hildreth	McDowell	Warren
Darden	Hooton	Millsap	Wikle

—24

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 70. To amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama", approved November 6, 1932.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in the following amendment by the House to S. B. 70, the title of which is set out in the foregoing Message from the House to-wit:

Committee substitute for S. 70:

A BILL

To be entitled An Act to amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama," approved November 6, 1932.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama," approved November 6, 1932, be so amended as to read as follows:

"Section 130: FUNDS MAY BE BORROWED TO PAY TEACHERS:—The County Board of Education shall have authority, upon the recommendation of the County Superintendent of Education, to borrow money on the credit of the School fund of the County, to meet salaries of teachers, when the current funds on hand are not sufficient to meet the same, and as security therefor, to pledge all current school revenues for the current tax year. It shall be the duty of the County Board of Education and the County Superintendent of Education to secure such a loan, if practicable, when the current funds on hand are not sufficient promptly to pay teachers' salaries. All such current loans, except such as are based on County and District local tax proceeds, shall be payable and paid not later than April 1 next after the end of the current school year in which such current loans are made, and from the funds for the support of the schools accruing within the current tax year in which said loan is procured; Provided, however, that the County Board of Education may borrow money for said purposes, and pledge as security therefor, issued State Warrants, and any such loan may be made to mature either during the school year in which it is negotiated, or after the expiration of such school year, at the

discretion of the County Board of Education. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding school year."

Section 2: All laws and parts of laws in conflict with the provisions of this Act shall be, and the same are hereby repealed.

Section 3: The provisions of the foregoing Act shall become inoperative on and after June 30, 1935.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Caffey	Edmundson	Lusk	Shepherd
Cooper	Garrett	McDaniel	Warren
Craft	Hildreth	Millsap	Wikle
Darden	Hooton	Mullins	

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 33. Ratifying the action of the Governor of Alabama in declaring a bank holiday in Alabama.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 34. Relative to the adjournment of the two Houses until Friday, March 3, 1933, at ten o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk. •

BILL INDEFINITELY POSTPONED

On motion of Mr. Hildreth, further consideration of the bill:

H. 136. To amend Section 1999 of the Code of Alabama.

Was indefinitely postponed.

Mr. Hildreth then moved that the vote by which said bill was indefinitely postponed, be reconsidered, which motion was lost.

BILLS ON THIRD READING RESUMED

The bill:

S. 142. To require the tax assessors of the several counties in the State in making assessments of real estate for taxation to list and value separately the homestead of every resident of this State,

with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, at 60% of its fair and reasonable market value.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill—to-wit:

A BILL

To be entitled An Act to require the Tax Assessors of the several counties in the State in making assessments of real estate for taxation to list and value separately the homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, at 60% of its fair and reasonable market value.

Be it enacted by the Legislature of Alabama:

Section 1. That the tax assessors of the several counties in the State, in making assessments of real estate for taxation, are hereby required to list and value separately the homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, to the extent of any interest he may have herein, whether a fee or less, estate, or whether held in common or in severalty, at 60% of its fair and reasonable market value.

Section 2. In all assessments where the value of homesteads exceed \$2,000.00, it shall be the duty of the Tax Assessor to separate the value and enter the homestead assessment at 60% of its fair and reasonable market value, or \$1200.00. The remaining value shall be entered upon the assessment as other real estate.

Section 3. The abstract of the book of assessments filed by the tax assessor with the State Tax Commission shall show separately the value of all of said homesteads together with the amount of taxes assessed against same.

Section 4. It shall be the duty of the State Tax Commission to enforce the provisions of this Act.

Section 5. This act shall become effective upon its passage and approval. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Which was adopted.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Craft

Darden

Delony

Duncan

Edmundson

Faulk

Garrett	Kelley	Mullins	Walker
Hildreth	Lusk	Riddle	Warren
Hooton	McDaniel	Shepherd	Wikle
Hubbard	Millsap	Teasley	

—27

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:			
Bartlett	Darden	Hooton	Riddle
Beasley	Delony	Hubbard	Shepherd
Bonner	Duncan	Kelley	Teasley
Brown	Edmundson	Lusk	Walker
Caffey	Faulk	McDaniel	Warren
Cooper	Garrett	Millsap	Wikle
Craft	Hildreth	Mullins	

—27

The bill:

H. 62. To amend Section 317 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Kelley	Powell
Beasley	Duncan	Lusk	Shepherd
Bonner	Edmundson	McDaniel	Walker
Caffey	Faulk	McDowell	Warren
Craft	Garrett	Millsap	Wikle
Darden	Hildreth	Mullins	

—23

The bill:

H. 17. To exempt from ad valorem taxation the shares of capital stock of corporations conducting hospitals, to the extent of Twenty Thousand Dollars (\$20,000.00) to enable such corporations to enjoy the full benefits of tax exemption to said amount as now provided by law.

Was taken up.

Mr. Hooton offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend Sub-section (A-1) of Section 2 of an Act entitled An Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 294 on page 152 of the 1923 General Acts of Alabama.

Be it enacted by the Legislature of Alabama:

That Sub-section (a-1) of Section 2 of An Act entitled An Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 294 on page 152 of the 1923 Gen-

eral Acts of Alabama, be and the same is hereby amended to read as follows:

Section 1. All property, real or personal, used exclusively for hospital purposes, to the amount of twenty thousand dollars, where such hospitals maintain wards for charity patients, or gives treatment to such patients, provided that the treatment of charity patients constitutes at least 15% of the business of such hospital; provided further that such hospital need not be assessed for taxation if the owner or manager shall file with the County Tax Assessor wherein such hospital is located within the time allowed for assessing such property for taxation a certificate that such hospital has done 15% charity work in the preceding tax year; and further provided that such hospital through its owner or manager shall have until the expiration of the preceding tax year to class its work and ascertain whether or no such hospital has done 15% of its total treatment of patients as charity work.

Section 2. That the shares of the capital stock of any corporation owning and operating a hospital, to the extent of TWENTY THOUSAND DOLLARS (\$20,000.00) in value, be and the same are exempt from taxation, provided that said corporations maintain wards for charity patients and give treatment to such patients, which treatment constitutes at least fifteen percent of the business of the hospitals of said corporations; and provided further that it is the purpose of this act to afford to incorporated hospitals tax exemptions equal to those granted to individuals, firms or associations under Subdivision A-1 of Section 2 of the General Revenue Bill of 1923, approved August 22, 1923; and that the total exemption granted to any such corporation shall not exceed Twenty Thousand Dollars (\$20,000.00) taking into consideration its real and personal property and the value of its shares of capital stock.

Provided further that the exemption hereby granted shall apply for the tax year 1933, whether assessed for taxation or not.

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Craft
Darden

Delony
Duncan
Faulk
Hildreth
Hooton

Hubbard
Kelley
McDaniel
McDowell
Millsap

Mullins
Powell
Warren
Wikle

—19

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley

Brown
Caffey

Craft
Darden

Delony
Duncan

Garrett	Kelley	Millsap	Walker
Hildreth	Lusk	Mullins	Warren
Hooton	McDaniel	Powell	Wikle
Hubbard	McDowell	Riddle	

—23

The bill:

H. 218. To enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:			
Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

—31

The bill:

H. 100. To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay and to require a certificate of ill health by said teacher in order to secure the advantages of this act.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:			
Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

—31

RESOLUTION

The Rules Committee reported the following Senate resolution:
S. R. 36. Be it resolved by the Senate that S. 33 be a Special Order for 12:30 o'clock this the 13th Legislative Day.

Pending the further consideration thereof:

RECESS

At 12:30 P. M., on motion of Mr. Faulk, the Senate took a recess until 4:15 this afternoon.

AFTERNOON SESSION—THIRTEENTH DAY

Thursday, March 2nd, 1933.

The Senate re-assembled at 4:15 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Shepherd
Teasley
Walker
Warren
Wikle

—31

RESOLUTION

Mr. Hooton offered the following Senate resolution:

S. R. 37. Resolved by the Senate that S. 148 be made a special, paramount and continuous order of business immediately after reports of standing committees on the Seventeenth Legislative Day.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate, with a favorable report, to-wit:

S. R. 37. Resolved by the Senate that S. 148 be made a special, paramount and continuous order of business immediately after reports of standing committees on the Seventeenth Legislative Day.

And on motion of Mr. Powell, said resolution was put upon its passage and adopted, and said bill, S. 148, made a special, paramount

and continuous order of business immediately after reports of standing committees on the Seventeenth Legislative Day.

Yeas, 17; nays, 3.

Yeas:

Messrs.:

Beasley
Bonner
Craft
Darden
Delony

Duncan
Edmundson
Garrett
Hooton

Kelley
McDaniel
Powell
Riddle

Shepherd
Teasley
Walker
Wikle

—17

Nays:

Messrs.: Bartlett, Faulk and Lusk.

— 3

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills and Senate Joint Resolution with the engrossed and original bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal Census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or sub-division of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such compensation out of the County Treasury; and to repeal the Act approved August 11th, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix the term of

office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th, 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal.'"

S. 70. To amend Section 130 of the Alabama School Code as amended by an act entitled, "An Act to amend Section 130 of the School Code of Alabama", approved November 6, 1932.

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the county Treasury, to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

S. J. R. 33. Ratifying the action of the Governor of Alabama in declaring a bank holiday in Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 17. To amend Sub-section (A-1) of Section 2 of an act entitled An act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 294 on page 152 of the 1923 General Acts of Alabama.

J. H. Stewart,
Clerk.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Thirteenth Legislative Day, approved.

ADJOURNMENT

At 4:30 P. M., on motion of Mr. Beasley, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until tomorrow morning, March 3rd, 1933, at 10: o'clock.

FOURTEENTH DAY

Friday, March 3rd, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. C. A. Rush, Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin

Hooton
Hubbard
Lusk
McDaniel
Millsap
Mullins

Powell
Riddle
Shepherd
Walker
Warren
Wikle

—25

JOURNAL

On motion of Mr. Craft, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Bonner, leave of absence was granted Mr. Teasley for today.

On motion of Mr. Powell, leave of absence was granted Mr. Kelley for today.

On motion of Mr. Walker, leave of absence was granted Mr. Fletcher for today.

On motion of Mr. Darden, leave of absence was granted Mr. Brown for today.

On motion of Mr. Bartlett, leave of absence was granted Mr. Scruggs for today.

On motion of Mr. Shepherd, leave of absence was granted Mr. Cowart for today.

INTRODUCTION OF BILLS

Upon a call of district bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Powell:

S. 162. To make further provision with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule or regulation issued with respect to banks on or after March 1, 1933.

Committee on Banking and Insurance.

By Mr. Powell:

S. 163. To confer additional powers on the Superintendent of Insurance of Alabama.

Committee on Banking and Insurance.

REPORT OF COMMITTEE

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the caelndar, to-wit:

By Mr. McClendon (with notice and proof):

H. 224. To repeal Sections 5, 6, 12 and 13 of an Act of the Legislature of Alabama, entitled "An Act to provide for the establishment, maintenance, repair and regulation of public highways; including bridges and ferries, in St. Clair County," approved September 29, 1919. (Local Acts 1919, pages 245 to 252, both inclusive.)

By Mr. McClendon (with notice and proof):

H. 57. To relieve all persons in St. Clair County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in St. Clair County, Alabama.

RESOLUTIONS

Mr. Craft offered the following joint resolution:

S. J. R. 38. WHEREAS, United States Senator Vandenberg, junior senator of Michigan and Congressman Henry B. Steagall of Alabama, chairman of the Bank Committee of the House of Representatives of the United States, are eminent and leading authorities

and well informed on the banking conditions of the United States, and

WHEREAS, Senator Vandenberg has introduced in the Senate of the United States a bill to secure time deposits of banks on an insurance plan, and Congressman Henry B. Steagall has also introduced a similar bill in the Congress of the United States to protect time deposits of the depositors of the people of the nation;

THEREFORE BE IT RESOLVED, that we urgently request both of these distinguished gentlemen who are familiar with this important public subject to deliver addresses to the Governor and a joint session of both houses of the Legislature at an early date.

BE IT FURTHER RESOLVED, that copies of these resolutions be transmitted immediately to Senator Vandenberg of Michigan and Congressman Steagall by the Governor of Alabama, and that the Governor of Alabama, now in Washington, be advised of the resolution by telegraph and requested to personally present this request to Senator Vandenberg and Congressman Steagall.

And on motion of Mr. Craft, the rules were suspended and the resolution adopted.

Mr. Powell offered the following joint resolution:

S. J. R. 89. Resolved by the Senate, the House concurring, that, when the two Houses adjourn today, they adjourn to reconvene on Tuesday, March 7th, 1933, at 12: M.

And on motion of Mr. Powell, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 17. To amend Sub-section (A-1) of Section 2 of an Act entitled An Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 294 on page 152 of the 1923 General Acts of Alabama.

Also:

H. 43. For the relief of Lieutenant Charles A. Jones, Junior, First Lieutenant of the One Hundred and Sixth Observation Squadron of the Alabama National Guard.

Also:

H. 62. To amend Section 317 of the Code of Alabama of 1923.

Also:

H. 100. To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act.

Also:

H. 130. To provide for the giving up by the State of Alabama

and its officials of all its possession, claim, right and interest in and to the following described real estate located in Elmore County, Alabama, to-wit: "That part of sub-division D lying North of the Section line between Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), and Section three (3), Township Seventeen (17), Range Eighteen (18), being situated in Section thirty-four (34), Township Eighteen (18), Range Eighteen (18), lying South of the main stream of the Tallapoosa River and being surrounded by the so called Dead River, being the former stream of the Tallapoosa River and containing 27 acres, more or less, according to the map made by Mr. C. A. Pickett, County Surveyor of Montgomery County, May, 1930" to Mrs. C. E. Gaddis, Wetumpka, Elmore County, Alabama.

Also:

H. 193. To further regulate the Municipal Court of Birmingham, Alabama, to extend the territorial jurisdiction of said court to include Precinct 42 of Jefferson County, Alabama, and to provide that the said Court shall be in lieu of all justices of the peace and all notaries public ex officio justices of the peace and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex officio justices of the peace in said precinct; to provide for the holding of said court in said precinct; to define the jurisdiction and powers of said court and fix the duties of said deputy clerk and all other officers of said court in said precinct; to provide a term for said deputy clerk in said precinct; to provide a method of appointing and a method of fixing the salary of said deputy clerk and the manner of paying said salary; to repeal all laws in conflict with the provisions of this Act and to provide when this Act shall become effective.

Also:

H. 218. To enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. McGowin:

H. 6. To provide that the maximum amount allowable to persons traveling in the service of the State of Alabama or any of its agencies or institutions for expenses other than actual expense of transportation shall be \$3.00 per diem.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill set out in the foregoing Message from the House was read once and referred to appropriate standing committee as follows:

H. 6, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 39. Relative to the adjournment of the two Houses until Tuesday, March 7, 1933, at 12 M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

CALENDAR BILL RE-REFERRED

On motion of Mr. Hubbard, the bill:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws

or parts of laws in conflict with this Act," as amended.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Municipalities and Municipal Organizations.

BILLS ON THIRD READING

The bill:

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper

Craft
Darden
Delony
Edmundson
Faulk

Goodwin
Hooton
Hubbard
McDaniel
Millsap

Mullins
Powell
Walker
Warren
Wikle

—20

The bill:

H. 232. To require the State Superintendent of Education to renew or extend the teachers' certificates now held by the teachers in the schools of the State of Alabama for a period of three years without requiring additional study.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Craft

Darden
Delony
Duncan
Faulk
Garrett
Goodwin

Hooton
Hubbard
Lusk
McDaniel
Millsap

Mullins
Powell
Walker
Warren
Wikle

—22

The bill:

H. 256. To provide for the compensation of the members of the Board of Review of Houston County, Alabama, while serving in that capacity, said compensation to be in addition to the salary received as members of the Board of County Commissioners of said County, under local Act 1931, page 266, et seq. approved July 23, 1931.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner

Caffey
Cooper
Craft

Darden
Delony
Duncan

Edmundson
Faulk
Garrett

Goodwin	McDaniel	Powell	Walker
Hooton	Millsap	Riddle	Warren
Hubbard	Mullins	Shepherd	Wikle
Lusk			

—25

The bill:

S. 92. To amend Section 7416 of the 1923 Code of Alabama.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to said bill, to-wit:

Amend Senate Bill No. 92, by striking out the words "Three Months" in said bill where they appear therein, and insert the words "six months."

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Millsap
Beasley	Duncan	Hooton	Powell
Caffey	Edmundson	Hubbard	Walker
Cooper	Faulk	Lusk	Warren
Craft	Garrett	McDaniel	Wikle
Darden			

—21

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Garrett	McDaniel
Beasley	Darden	Goodwin	Millsap
Bonner	Delony	Hooton	Powell
Caffey	Duncan	Hubbard	Warren
Cooper	Faulk	Lusk	Wikle

—20

The bill:

S. 94. To amend Section 3427 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Warren
Caffey	Edmundson	Lusk	Wikle
Craft	Garrett		

—18

The bill:

H. 283. To authorize the County Board of Education of Elmore County, Alabama, upon the recommendation of the County

Superintendent of Education of said County to borrow money on the credit of the School Fund of said County to meet salaries of teachers and current expenses when the current funds on hand are not sufficient to meet the same, to be secured by a pledge of the current revenues of the year; to make it the duty of said County Board of Education and said County Superintendent of Education to secure such loan if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries; and to provide that all such current loans, except such as are based on said County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year; and to provide that the amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—25

The bill:

H. 198. To abolish the office of Assistant Coroner for Mobile County.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—25

The bill:

H. 199. To allow the Coroner of Mobile County \$200.00 per year for expenses incurred in the operation of his office.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Bonner	Cooper	Darden
Beasley	Caffey	Craft	Delony

Duncan	Hooton	Millsap	Shepherd
Edmundson	Hubbard	Mullins	Walker
Faulk	Lusk	Powell	Warren
Garrett	McDaniel	Riddle	Wikle
Goodwin			

—25

The bill:

H. 264. To alter and re-arrange the commissioners district lines of Lee County, Alabama.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—25

The bill:

S. 159. To amend an Act entitled an Act to amend Section 130 of the School Code of Alabama, approved November 8, 1932.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:			
Bartlett	Craft	Goodwin	Millsap
Beasley	Darden	Hooton	Mullins
Bonner	Delony	Hubbard	Powell
Caffey	Duncan	Lusk	Shepherd
Cooper	Edmundson	McDaniel	Wikle

—20

The bill:

S. 93. To amend Section 3428 of the 1923 Code of Alabama.

Was taken up.

Mr. Powell offered the following amendment to said bill, to-wit: Amend Senate Bill No. 93 as follows by adding Sections 2 and 3:

Section 2. When said referred to bond has been executed and the defendant has been released, the surety or sureties on said bond at any time may turn said defendant back into the custody of the sheriff and discharge their liability under said bond by paying such sum or sums as is, or are necessary to pay the costs of the proceedings, together with the yearly sum as then due, or past due, and as fixed for the support and education of the child. And when such is done, the said defendant shall thereupon execute another bond as provided by Section 3427 of the Code of 1923, and as required by Section 1, of this Act and no further liability shall attach to the

surety or sureties on said original bond who have been discharged as hereinabove set forth.

Section 3. Whenever any bond has been given and approved, the said surety or sureties on said bond may release themselves from further liability at any time by complying with the provisions of Section 2, whether said bond is the original bond as executed at the time of trial, or another subsequent bond executed and approved during the said ten-year period.

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Millsap
Beasley	Darden	Hooton	Mullins
Bonner	Delony	Hubbard	Powell
Caffey	Duncan	Lusk	Warren
Cooper	Garrett	McDaniel	Wikle

—20

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Garrett	McDaniel
Beasley	Darden	Goodwin	Mullins
Bonner	Delony	Hooton	Powell
Caffey	Duncan	Hubbard	Shepherd
Cooper	Edmundson	Lusk	Wikle

—20

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Fourteenth Legislative Day, approved.

ADJOURNMENT

At 11:30 A. M., the Senate, on motion of Mr. Powell, and pursuant to joint resolution heretofore adopted, adjourned until Tuesday, March 7th, 1933, at 12:00 M.

FIFTEENTH DAY

Tuesday, March 7th, 1933.

The Senate met pursuant to adjournment, President Pro Tem Powell, presiding.

PRAYER

The session was opened with prayer by Dr. T. C. Cassiday of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Bonner
Brown
Caffey
Coward
Craft
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap

Mullins
Powell
Riddle
Shepherd
Walker
Warren
Wikle

—29

JOURNAL

On motion of Mr. Hildreth, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTIONS

Mr. Warren offered the following Senate resolution:

S. R. 40. Whereas, we have just learned with deep regret of the death of Mrs. W. W. Brandon of Tuscaloosa, Alabama:

Therefore, Be It Resolved by the Senate of Alabama; that we extend to Ex-Governor W. W. Brandon and the other members of her family our sincere sympathy.

Be It Further Resolved, that the Clerk of the Senate is directed to transmit a copy of this Resolution to Hon. W. W. Brandon at Tuscaloosa, Alabama.

And on motion of Mr. Warren, the rules were suspended and the resolution unanimously adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 41. Be it Resolved by the Senate, the House Concurring, that when the two Houses adjourn today; they adjourn to meet again at 10: O'clock A. M. On Wednesday, March 8th., 1933.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 164. To authorize and require the Tax Collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 165. To protect and safeguard the rights, privileges, liabilities and property of creditors and debtors during the pendency of the financial emergency created by the closing of banks.

Committee on Banking and Insurance.

By Mr. Powell:

S. 166. To make further provision with respect to the affairs of Banks or Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking

institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

Committee on Banking and Insurance.

REPORT OF COMMITTEE

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

H. 300. To provide that wherever any justice of the peace court or the court of any notary public with powers of the justices of the peace or any court created in lieu of justices of the peace or in lieu of notaries public with powers of justices of the peace have since the 31st day of January, 1933, been abolished or shall be hereafter abolished, and any court is created in lieu of such abolished court, all cases, causes of action and judgments pending in the court abolished at the time of its abolition, shall be transferred to the court created in lieu of the abolished court.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Green:

H. 141. To authorize cities in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to construct, install, operate and maintain toll tunnels, streets and roads, together with appurtenances deemed proper for the safety or convenience thereof, or of the users thereof, either within or without, or partly within and partly without, such cities; to authorize such cities to borrow money for such purposes; to prescribe the powers, rights, privileges, duties and responsibilities of such cities in relation to such projects and in relation to the borrowing, securing and repaying of money for such projects; to authorize contracts and other instruments in relation to the foregoing matters; and to authorize counties in which such cities may be situated to join with such cities in said undertakings.

Also:

By Mr. Sossaman:

H. 308. To authorize and require the Board of Registrars, in all counties in this State which now or hereafter may have a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, to sit for thirty days, (not including Sundays) each year beginning on the third Monday in April, 1933, for the purpose of purging the list of voters of said counties; and to provide for the payment for said services; and to provide when this Act shall go into effect.

Also:

By Mr. Taylor:

H. 309. To amend Section 7 of an Act entitled an Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Also:

By Mr. Callaway (by request):

H. 354. To authorize all cities and towns within the State of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken, to fix and collect licenses for any business, trade or profession done or carried on outside the corporate limits but within the police jurisdiction thereof.

Also:

By Mr. Culver:

H. 358. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that the city council, or like governing body of the municipality, as merged shall have the right for a period of two years after the date of consolidation to fix the license or privilege tax required for the privilege of engaging in business within the territory which formerly comprised either of said municipalities in the

same amount as was levied in such territory or municipality prior to consolidation; and to authorize refunds of licenses heretofore issued in such municipalities computed on a different schedule.

Also:

By Mr. McNeel (with notice and proof):

H. 292. To amend an Act, entitled an Act "To establish an Inferior Court, to be known as the Inferior Court of Autauga County, in lieu of all Justices of the Peace and Notary Publics and Ex-Of-ficio Justices of the Peace in Prattville precinct, or precinct number one of Autauga County, Alabama; to define the jurisdiction and powers of said court and the Judge and other officers thereof; to provide a place for holding of said Court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said Court and the Judge thereof."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the Special Session of the legislature to amend the law creating the Inferior Court of Autauga County in the following manner:

1. Changing the name of the Court to that of the Civil and Criminal Court of Autauga County.
2. Enlarging the jurisdiction of the Court.
3. Fixing the salary of the Judge and Solicitor and the manner of the payment of the same.
4. The disposition of the fines and forfeitures and the collection thereof.
5. Any other changes necessary to the making of the Court more workable to present financial conditions.

State of Alabama

Autauga County

I, H. M. Doster, Publisher of the Prattville Progress, a newspaper published in said State and County, hereby certify that the hereto attached notice was published on January 12th, 19th and 26th days and on February 2nd, 1933.

This the 17th day of February, 1933.

HARRY M. DOSTER,
Publisher.

Sworn to and subscribed before me this the 17th day of February, 1933.

JOHN A. DICKINSON,
Judge of Inferior Court,
Autauga County, Alabama.

Also:

By Mr. Coats (with notice and proof):

H. 347. To authorize and require payment by the County Board of Education of Clarke County, Alabama for stationery, stamps, office supplies and equipment used in the office of the County Superintendent of Education of said County or in the office of the County Treasurer of School Funds of said County;

and to authorize and require payment by said County Board of Education of Clarke County, Alabama, of expenses incident to the taking of School census in said County including salary of census enumerators, and payment of premium on bonds of the County Superintendent of Education of said County and the County Treasurer of School funds of said County; and to relieve the Court of County Commissioners of said County of the duty of paying any and all such items of expense.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Clarke County. }

I, G. A. Carleton, do hereby certify on oath that I am the publisher of the Clarke County Democrat, a weekly newspaper published in Clarke County, Alabama; and that the notice which is hereto attached was published in said newspaper in each of its issues dated, respectively, January 19, 26 and February 2 and 9, 1933.

G. A. CARLETON.

Subscribed and sworn to before me this the 27th day of February, 1933.

JOHN E. ADAMS,

Notary Public, Clarke County, Ala.

NOTICE

Pursuant to constitutional requirement, notice is hereby given that a bill will be introduced at the special session of the Legislature of Alabama, which is called to convene on the 31st day of January, 1933, for the purpose of authorizing and requiring payment by the County Board of Education of Clarke County, Alabama, for stationery, stamps, office supplies and equipment used in the office of County Superintendent of Education or any office of the County Treasury of school funds; and to authorize and require payment by said county Board of Education of Clarke County, Alabama, of expenses incident to the taking of school census, including salary of census enumerators, and payment of premium on bonds of the county superintendent of Education and the County Treasury of school funds, and to relieve the court of county commissioners of said county of the duty of paying any and all such items of expense.

Also:

By Mr. Manasco and Mr. Shepherd (with notice and proof):

H. 355. To amend a Local Act of the 1923 Legislature found on page 249 of the Local Acts of 1923 and approved on September 26, 1923, said Act being: "To provide for the election of a County Treasurer of Walker County, Alabama by the qualified electors of said county to prescribe his duties and compensation," by amending Section 5 to read in substance as follows:

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama which was convened in Extraordinary session on January 31, 1933, said bill to be in substance as follows:

of the Local Acts of 1923, and approved September 26, 1923, which was; "To provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said county and to prescribe his duties and compensation," by amending Section 5 to read in substance as follows:

Section 5. It shall be the duty of the County Treasurer to deposit all public funds coming into his hands, in some bank or banks in Alabama, designated by him and approved by the State Superintendent of Banks as being a safe depository of public funds for Walker County. The County Treasurer shall arrange with said bank or banks for the best interest obtainable upon said deposits and the interest paid upon said deposits shall belong to Walker County and the Treasurer shall account for and be responsible for the same. Where the Treasurer of Walker County has made deposits of public funds and obtained a receipt or credit as Treasurer from the depository, he and his official bondsmen or sureties shall be relieved from any liability to the County for loss of said funds due to insolvency of said bank or banks.

CARTER MANASCO,

Representative from Walker County.

J. CARL SHEPHERD,

Representative from Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Assistant Mgr. of The Mountain Eagle, a newspaper publisher at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached, was published in the said Mountain Eagle once a week for Four consecutive weeks namely February 1, 8, 15 & 22, 1933.

R. W. BOTELER,
Assistant Manager.

Sworn and subscribed before me, this 22 day of February, 1933.

MRS. ANNIE DAVIS,
Notary Public.

(Seal)

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 141, to the Committee on Banking and Insurance.

House bills 308, 309, 354, 358, 292, 347 and 355, to the Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

H. 210. To provide for and regulate the purchasing of supplies, for which the County is liable, for the County officials, the county offices and every department of the County, including supplies, books, material, office equipment, printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the

appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding.

Was taken up.

Mr. Duncan offered the following amendment to said bill to-wit:
Amend H. 210 by striking the words "the County" where they first occur together in the second line of the title of said Act, and by inserting in lieu thereof the following words "Shelby County, Alabama."

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Powell
Brown	Faulk	Lapsley	Riddle
Caffey	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony			

—29

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Powell
Brown	Faulk	Lapsley	Riddle
Caffey	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony			

—29

The bill:

S. 143. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Was taken up.

The Committee on Judiciary reported the following amendment to said bill, to-wit:

Substitute for the word "Governor" wherever it appears in said bill, the words, "Supreme Court of Alabama."

Which was adopted.

Yeas, 21; nays, 3.

*Yeas:**Messrs.:*

Bonner	Edmundson	Hubbard	Mullins
Caffey	Fletcher	Lapsley	Powell
Cowart	Goodwin	Lusk	Shepherd
Darden	Hildreth	McDaniel	Warren
Delony	Hooton	McDowell	Wikle
Duncan			

—21

Nays:—Messrs. Bartlett, Craft and Millsap

— 3

And said bill, as thus amended, was read a third time at length and lost.

Yeas, 12; nays, 14.

*Yeas:**Messrs.:*

Bonner	Duncan	Lapsley	Mullins
Caffey	Hooton	Lusk	Powell
Darden	Hubbard	McDaniel	Shepherd

—12

*Nays:**Messrs.:*

Bartlett	Faulk	Hildreth	Walker
Cowart	Fletcher	McDowell	Warren
Craft	Garrett	Millsap	Wikle
Delony	Goodwin		

—14

The bill:

S. 144. To amend Section 6478 of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hildreth	McDaniel
Bonner	Delony	Hooton	Mullins
Brown	Duncan	Hubbard	Powell
Caffey	Garrett	Lapsley	Warren
Cowart	Goodwin	Lusk	Wikle
Craft			

—21

The bill:

H. 249. To require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes, on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said

bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Powell
Brown	Faulk	Lapsley	Riddle
Caffey	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony			

—29

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Rish:

H. 359. To confer additional powers upon the Superintendent of Banks and the Banking Board.

By Mr. Ogden:

H. 367. To make further provision with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any Proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committee as follows:

House bills 359 and 367, to the Committee on Banking and Insurance.

RECESS

At 1: P. M. on motion of Mr. McDaniel, the Senate took a recess until 4:30 this afternoon.

AFTERNOON SESSION—FIFTEENTH DAY

Tuesday, March 7th, 1933.

The Senate re-assembled at 4:30 P. M., President Pro Tem Powell presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Powell
Brown	Faulk	Lapsley	Riddle
Caffey	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony			

—29

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Craft:

S. 167. To amend an Act of the Legislature of Alabama approved September 8th, 1927, entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties of all premiums that may accrue on account of the bonds of the Clerk thereof; for the transportation of probation officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the Courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such

children and the payment of cost by said counties; providing for the commitment of juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court of any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws", and which Act was amended by the Legislature of Alabama by an Act approved April 21st, 1931, entitled "An Act to amend the title and Section one of an Act entitled 'An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties of all premiums that accrue on account of the bond of the Clerk thereof; for the transportation of probation officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts; and prescribing its duties and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent, or dependent, and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of costs by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties; providing for the payment by the cities or towns in which

said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927, by amending Section Two thereof, by striking from said Section the following words 'b. shall appoint all probation officers and servants of said court, except the Clerk of said Court and said Probation Officers and servants shall hold their places at the will of the Commission. All appointments shall be made subject to the approval and with the consent of the judge of said court', and by amending Section Seven thereof so as to reduce and fix the salary of the Judge of said Court, and to amend Section Eight of said Act so as to reduce the number and salaries of the Clerks and probation officers; and to provide that the probation officers shall be appointed by and hold office at the will of the sheriff of the county; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect; and to provide that if any portion, section, sub-division or part of this Act be unconstitutional it shall not affect the balance of said Act.

Committee on Local Legislation.

By Mr. Craft:

S. 168. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal Census, that the jail matron shall ex-officio be a probation officer of such county; and shall receive no additional compensation for said services.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Walker, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Faulk:

S. 135. To amend Section 151 of the Agricultural Code of Alabama of 1927.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manasco (with notice and proof):

H. 280. To provide for the payment out of the General Fund of Walker County, Alabama, the sum of One Hundred Dollars to

H. O. Jackson, and Seventy Five Dollars to George Byars, for services as Special Deputy Sheriffs.

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren:

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

By Mr. Hooton:

S. 153. To amend Section 4788 of the 1923 Code of Alabama.

By Mr. Craft:

S. 150. To amend Section 2 of an Act "To amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266 Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,' approved July 10, 1931.

By Mr. Lusk:

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of Sections 3023, 3024, and 3025 of the Code of Alabama of 1923.

By Mr. Taylor (with substitute):

H. 255. To provide for the exemption from jury duty of certain persons unless they consent to serve.

By Mr. Parker:

H. 163. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Norman:

H. 289. To regulate the use of State owned Motor propelled vehicles and motor propelled vehicles owned by any institution supported wholly or in part by State funds; and motor propelled

vehicles for which the motor fuel or tag is furnished by the State or any institution supported wholly or in part by State funds.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 289, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edgar:

H. 275. To require that all County officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond.

Also:

By Mr. Barber:

H. 350. To further provide for the issuance of State Hunting Licenses within the State of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 275, to the Committee on Local Legislation,

H. 350, to the Committee on Fish, Game and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 41. Relative to the adjournment of the two Houses until Wednesday, March 8, 1933, at 10:00 o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Wallace:

H. J. R. 68. Whereas, complaints have been made that the State Docks, at Mobile, are being operated in a manner unfair to and destructive of private capital invested in competition;

Therefore, Be It Resolved by the House, the Senate concurring:

(1) THAT A JOINT COMMITTEE composed of three from the Senate, to be appointed by the President of the Senate, and four from the House, to be appointed by the Speaker of the House, be, and the same is hereby created for the purpose of making a full and complete investigation and report its findings and recommendations to this, or a subsequent session of the Legislature.

(2) THAT SAID COMMITTEE be, and the same is hereby authorized to conduct hearings wherever it may see fit, summon witnesses, and require testimony and the production of records under oath.

And the Speaker of the House has named as committee on part of the House, Messrs. Wallace, Burns, Swift and Taylor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 68, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Seaports.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 210. To provide for and regulate the purchasing of supplies, for which Shelby County, Alabama, is liable, for the County officials, the county offices and every department of the County, including supplies, books, material, office equipment, printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding."

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Manasco:

H. 366. To provide for a depositary of State Bonds of Alabama in lieu of sureties on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court and the County Treasurers of School Funds, and to provide the liability on said State Bonds, and to provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 366, to the Committee on Judiciary.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Fifteenth Legislative Day, approved.

ADJOURNMENT

At 4:45 P. M., on motion of Mr. McDaniel and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until tomorrow, Wednesday, March 8th, 1933 at 10: A. M.

SIXTEENTH DAY

Wednesday, March 8th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Warren G. Cutts of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Rucker
Shepherd
Teasley
Walker
Warren
Wikle

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JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Craft:

S. 169. To levy in all counties of the State of Alabama having a population of more than one hundred thousand and less than three hundred thousand according to the last Federal Census for a period of three years, an excise tax on all persons, companies, agencies, corporations and associations who sell, distribute, store or withdraw from storage for any purpose whatsoever, gasoline or any

other liquid motor fuels or devices or any substitutes therefor, within such counties for the purpose of constructing, supervising, and maintaining, and to such end providing funds to match Federal Aid Funds to construct and complete the Moffatt Road extending from the City of Mobile, Alabama, to the Mississippi line, being Federal Aid Project No. 210; to provide for the collection of such excise tax and the payment of the same in the County Treasury for the purpose herein provided; providing for the enforcement of this Act and fixing a penalty for the violation thereof.

Committee on Local Legislation.

By Mr. McDowell:

S. 170. To amend Section 7418 of the Code of Alabama, 1923.
Committee on Judiciary.

By Mr. McDowell:

S. 171. To amend Section 7419 of the Code of Alabama, 1923.
Committee on Judiciary.

By Mr. McDowell:

S. 172. To amend Section 7420 of the Code of Alabama, 1923.
Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 166. To make further provision with respect to the affairs of Banks or Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

By Mr. Ogden:

H. 367. To make further provision with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

By Mr. Green (Jefferson):

H. 141. To authorize cities in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to construct, install, operate and maintain toll tunnels, streets and roads, together with appurtenances deemed proper for the safety or convenience thereof, or of the users thereof, either within or without, or partly within and partly without, such cities; to authorize such cities to borrow money for such purposes; to prescribe the powers, rights, privileges, duties and responsibilities of such cities in relation to such projects and in relation to the borrowing, securing and repaying of money for such projects; to authorize contracts and other instruments in relation to the foregoing matters; and to authorize counties in which such cities may be situated to join with such cities in said undertakings.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sossaman:

H. 308. To authorize and require the Board of Registrars, in all counties of this State which now or hereafter may have a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, to sit for thirty days (not including Sundays) each year beginning on the third Monday in April, 1933, for the purpose of purging the list of voters of said counties; and to provide for the payment for said services; and to provide when this Act shall go into effect.

By Mr. Culver:

H. 358. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that the city council, or like governing body of the municipality, as merged shall have the right for a period of two years after the

date of consolidation to fix the license or privilege tax required for the privilege of engaging in business within the territory which formerly comprised either of said municipalities in the same amount as was levied in such territory or municipality prior to consolidation, and to authorize refunds of licenses heretofore issued in such municipalities computed on a different schedule.

By Mr. Shepherd and Mr. Manasco (with notice and proof):

H. 355. To amend a Local Act of the 1923 Legislature found on page 249 of the Local Acts of 1923 and approved on September 26, 1923, said Act being; "To provide for the election of a County Treasurer of Walker County, Alabama by the qualified electors of said county to prescribe his duties and compensation," by Amending Section 5 to read in substance as follows:

By Mr. McNeel (with notice and proof):

H. 292. To amend an Act, entitled an Act "To establish an Inferior Court, to be known as the Inferior Court of Autauga County, in lieu of all Justices of the Peace and Notary Publics and Ex-Officio Justices of the Peace in Prattville precinct, or precinct number one of Autauga County Alabama; to define the jurisdiction and powers of said court and the Judge and other officers thereof; to provide a place for holding of said Court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said Court and the Judge thereof".

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit.

By Mr. Green (with substitute and amendment to substitute):

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,'" as amended.

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sanderson (with substitute):

H. 50. To amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

By Mr. Manasco (with amendment):

H. 366. To provide for a depository of State Bonds of Alabama in lieu of sureties on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the circuit court and the County Treasurers of School Funds, and to provide the liability on said State Bonds, and to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like Governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period or more than twenty-four hours more than \$1,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Green:

H. 139. To amend an Act entitled, "An Act to amend Section 2377 of the Code of Alabama of 1923", approved July 22, 1931.

Also:

By Mr. Carmichael:

H. 361. To define the status of fish life in the public fresh waters of Alabama; to name game and non-game fishes; to define public and private waters; to regulate the taking of fish as to manner of taking, place, size and number; to prohibit the sale of game food fishes taken from public fresh waters and the transportation of game food fishes to any place beyond the borders of the State; to regulate the use of fishing devices; to prohibit the use of game

fish for fish bait; to require permits to fish in private waters; to make a violation of any of the provisions of this Act a misdemeanor and to fix penalties therefor; to provide for non-resident trip fishing and hunting licenses; to provide when this Act shall become effective, and for other purposes.

Also:

By Mr. Christopher:

H. 162. To establish, designate and declare as a State Trunk Road Number 200, and as a part of the Primary System of Highways of Alabama a certain road to begin at the boundary line between Alabama and Mississippi at or near Frost Bridge—near Isney, Alabama—and extending in an easterly direction through or near Isney, Bolinger, Silas, Bladon Springs, Coffeerville and Grove Hill, Alabama, following the route of the recent survey made by the State Highway Department of a route to Frost Bridge, and to connect with State Trunk Road number #61 at or near Claiborne Landing on the Alabama River, and to provide for its location, construction and maintenance.

Also:

By Mr. Taylor:

H. 310. To amend Sections 17, 18, 52, 55, 56, and 60 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10, 1927, entitled "An Act to provide a code of Laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of Bonds of the counties and municipal corporations, and to repeal sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

Also:

By Mr. Rish:

H. 323. To amend An Act entitled "An act to authorize game farming, to include game birds, animals and fur bearers for propagation purposes in the State of Alabama, to authorize the Commissioner of Game and Fisheries to engage in game farming to authorize the expenditure of revenue out of Game and Fish Fund therefor, to provide for the issuance of permits to accredited individuals, associations, partnerships, firms and corporations, to provide that the Commissioner of Game and Fisheries shall make regulations governing the issuance of said permits and the conduct of game farms, to provide for the cancellation of permit when terms upon which it is issued are violated, and to provide for penalties for violation of this Act, etc."

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 139 and H. 310, to the Committee on Finance and Taxation,
H. 361 and H. 323, to the Committee on Fish, Game and Forestry,
H. 162, to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 38. Inviting Senator Vandenberg and Congressman Henry B. Stegall to address a joint session of the Alabama Legislature at an early date

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employees of the Board, and to

pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 198. To abolish the office of Assistant Coroner for Mobile County.

Also:

H. 199. To allow the Coroner of Mobile County \$200.00 per year for expenses incurred in the operation of his office.

Also:

H. 232. To require the State Superintendent of Education to renew or extend the teachers' certificates now held by the teachers in the schools of the State of Alabama for a period of three years without requiring additional study.

Also:

H. 256. To provide for the compensation of the members of the Board of Review of Houston County, Alabama, while serving in that capacity, said compensation to be in addition to the salary received as members of the Board of County Commissioners of said County, under local Acts 1931, page 266, et seq. approved July 23, 1931.

Also:

H. 264. To alter and re-arrange the commissioners district lines of Lee County, Alabama.

Also:

H. 283. To authorize the County Board of Education of Elmore County, Alabama, upon the recommendation of the County Superintendent of Education of said County to borrow money on the credit of the School Fund of said County to meet salaries of teachers and current expenses when the current funds on hand are

not sufficient to meet the same, to be secured by a pledge of the current revenues of the year; to make it the duty of said County Board of Education and said County Superintendent of Education to secure such loan if practicable, when the current funds on hand are not sufficient to promptly pay the teachers' salaries; and to provide that all such current loans, except such as are based on said County and District local tax proceeds, shall be paid within the school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year; and to provide that the amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding year.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested.

H. 210. To provide for and regulate the purchasing of supplies, for which the County is liable, for the County officials, the county offices and every department of the County, including supplies, books, material, office equipment, printing and printed matter, needed and used in and by the various offices of said County, the officers thereof, the jail and alms house, and to provide for the appointment of a purchasing Committee, to be entrusted with the duty and responsibility of making and authorizing such purchases, and to provide that said supplies, books, material, office equipment, printing and printed matter, and other supplies be bought through competitive bidding.

Also:

H. 249. To require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes, on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside said funds for said purpose;

authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Powell offered the following joint resolution:

S. J. R. 42. Resolved by the Senate, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again on Thursday, March 9th, 1933, at 10 o'clock A. M.

And on motion of Mr. Powell, the rules were suspended and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend S. 30 by striking out the figures \$25,000.00 wherever the same appear therein and inserting in lieu thereof the figures \$1.00.

On motion of Mr. Warren, said amendment was laid on the table.

Said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley

Bonner
Caffey

Cooper
Coward

Craft
Darden

Delony
Duncan
Fletcher
Garrett

Goodwin
Hildreth
Hubbard
Lapsley

McDaniel
McDowell
Mullins
Powell

Shepherd
Walker
Warren
Wikle

—24

The bill:

S. 33. To amend Section 26 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was read a third time at length and lost.

Yeas, 14, nays, 13.

Yeas:

Messrs.:

Bartlett
Caffey
Coward
Delony

Faulk
Fletcher
Garrett
Hildreth

Lapsley
Lusk
Shepherd

Walker
Warren
Wikle

—14

Nays:

Messrs.:

Peasley
Cooper
Darden
Edmundson

Goodwin
Hooton
Hubbard

McDaniel
McDowell
Millsap

Mullins
Powell
Teasley

—13

PAIRS ANNOUNCED

Mr. Duncan announced that he and Mr. Kelley were paired on this vote; that Mr. Kelley, if present, would vote No and he, Mr. Duncan, would vote Aye.

Mr. Bonner announced that he and Mr. Scruggs were paired on this vote; that Mr. Scruggs, if present, would vote No and he, Mr. Bonner, would vote Aye.

The bill:

H. 224. To repeal Sections 5, 6, 12 and 13 of An Act of the Legislature of Alabama, entitled "An Act to provide for the establishment, maintenance, repair and regulation of public highways; including bridges and ferries, in St. Clair County," approved September 29, 1919. (Local Acts 1919, pages 245 to 252, both inclusive.)

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Shepherd
Teasley
Walker
Warren
Wikle

—30

The bill:

H. 57. To relieve all persons in St. Clair County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in St. Clair County, Alabama.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Lapsley	Riddle
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—30

The bill:

S. 36. To amend Section 22 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 7.

Yeas:

Messrs.:

Bartlett	Faulk	Lapsley	Mullins
Craft	Fletcher	Lusk	Shepherd
Darden	Garrett	McDaniel	Walker
Delony	Goodwin	Millsap	Warren
Duncan	Hildreth		

—18

Nays:

Messrs.:

Beasley	Caffey	Hubbard	Wikle
Bonner	Hooton	Powell	

— 7

The bill:

H. 14. For the relief of clerks of the Circuit Courts in Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Shepherd
Bonner	Duncan	Lapsley	Walker
Caffey	Faulk	Lusk	Warren
Cowart	Garrett	McDaniel	Wikle
Craft	Hildreth	Mullins	

—23

The bill:

S. 154. To amend "An Act to authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective counties, and to repeal all laws and parts of laws in conflict with this Act," Approved November 8, 1932. So that the same shall read as follows: An Act to authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than Seventeen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of public school teachers for teaching school in class room work in the public schools in the respective counties, and to repeal all laws and parts of laws in conflict with this Act.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to said bill to-wit:

Amend Section 1 by striking out the words "seventeen thousand" where the same appears therein and insert therein the words "Ten Thousand."

On motion of Mr. Darden, said amendment was laid on the table.
Mr. Darden then offered the following amendment to said bill,
to-wit:

Amend S. 154 by adding Section Three thereto:

Section Three—The provisions of this Act shall go into effect on
September 1st, 1935.

Which was adopted.

Yeas, 19; nays, 4.

Yeas:

Messrs.:

Bartlett	Cowart	Faulk	Lapsley	
Beasley	Craft	Goodwin	Powell	
Bonner	Darden	Hildreth	Shepherd	
Caffey	Delony	Hooton	Warren	
Cooper	Duncan	Hubbard		—19

Nays:—Messrs. Fletcher, Lusk, Walker and Wikle

— 4

Mr. Lusk moved to reconsider the vote by which the above committee amendment was laid on the table, which motion prevailed and said vote was reconsidered.

On motion of Mr. Hildreth, said bill and pending amendments were re-referred to the Standing Committee on Finance and Taxation.

The bill:

H. 251. To provide for and establish a commission in each county of the State of Alabama having a population of not less than 75,000 and not more than 99,000 inhabitants, according to the last or any subsequent Federal census, to cooperate with the Commissioner of Agriculture and Industries of the State of Alabama for the encouragement of breeding and raising horses, through speed contests of horses and horse exhibitions in such counties; to prescribe the powers, duties and qualifications of such commission; to provide that such commission may authorize speed contests of horses and permit a person, corporation or association to conduct mutual or cooperative pools; to provide for the license therefor; to provide for the payment of necessary expenses of such commission; to provide suitable stakes and purses for such speed contests; to provide for the appointment of such commission and to repeal all laws and parts of laws in conflict herewith.

Was taken up.

Mr. Teasley moved to postpone further consideration of said bill until the 18th Legislative Day.

Mr. Bonner moved to table the motion to postpone, which motion was lost.

Yeas, 12; nays, 16.

Yeas:

Messrs.:

Bonner	Caffey	Cooper	Darden
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Fletcher
Hildreth

McDowell
Powell

Riddle
Walker

Warren
Wikle

—12

Nays:

Messrs.:

Bartlett
Beasley
Coward
Craft

Delony
Duncan
Edmundson
Faulk

Garrett
Goodwin
Hubbard
Lusk

Millsap
Mullins
Shepherd
Teasley

—16

The motion of Mr. Teasley to postpone said bill until the 18th Legislative Day was then adopted and said bill so postponed.

The bill:

H. 300. To provide that wherever any justice of the peace court or the court of any notary public with powers of the justices of the peace or any court created in lieu of justices of the peace or in lieu of notaries public with powers of justices of the peace have since the 31st day of January, 1933, been abolished or shall be hereafter abolished, and any court is created in lieu of such abolished court all cases causes of action and judgments pending in the court abolished at the time of its abolition, shall be transferred to the court created in lieu of the abolished court.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett

Delony

Hooton

Mullins

Bonner

Edmundson

Lapsley

Riddle

Caffey

Faulk

Lusk

Shepherd

Cooper

Fletcher

McDaniel

Teasley

Coward

Garrett

McDowell

Walker

Craft

Goodwin

Millsap

Warren

Darden

Hildreth

—30

The bill:

S. 135. To amend Section 151 of the Agricultural Code of Alabama of 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 1.

Yeas:

Messrs.:

Beasley

Delony

Hubbard

Riddle

Bonner

Duncan

Lapsley

Shepherd

Caffey

Faulk

Lusk

Teasley

Cooper

Fletcher

McDowell

Walker

Coward

Garrett

Millsap

Warren

Craft

Goodwin

Powell

Wikle

Darden

—25

Nay:—Mr. Mullins

— 1

The bill:

H. 280. To provide for the payment out of the General Fund of Walker County, Alabama, the sum of One Hundred Dollars to H. O. Jackson, and Seventy-five Dollars to George Byars, for services as Special Deputy Sheriffs.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Lapsley	Riddle
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—30

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

Also:

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

J. H. Stewart,
Clerk.

RECESS

At 12:30 P. M., on motion of Mr. Powell, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—SIXTEENTH DAY

Wednesday, March 8th, 1933.

The Senate re-assembled at 3:00 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present.

Messrs.:
Bartlett
Beasley
Bonner
Cooper
Coward
Craft
Darden
DeLoach

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Shepherd
Teasley
Waiker
Warren
Wikle

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Warren:

S. 173. To amend Section 3316 of the Code of Alabama of 1923.
Committee on Judiciary.

RESOLUTION

The Rules Committee reported the following Senate resolution:
S. R. 43. Resolved by the Senate, that H. 1 known as the Sparks Amendment be and the same is hereby made a special, paramount and continuing order of business for Thursday, March 9th, 1933 at 3: P. M.

On motion of Mr. Hooton, said resolution was laid on the table.
Yeas, 16; nays, 9.

Yeas:

Messrs.:
Beasley
Cooper

Coward
Duncan

Faulk
Goodwin

Hildreth
Hooton

Lapsley
McDaniel

McDowell
Millsap

Mullins
Walker

Warren
Wikle

—16

Nays:

Messrs.:

Bartlett
Bonner
Craft

Delony
Edmundson

Garrett
Hubbard

Powell
Teasley

— 9

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill, the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 42. Relative to the adjournment of the two Houses until Thursday, March 9, 1933, at 10:00 o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING

The bill:

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley

Bonner
Cooper

Cowart
Craft

Delony
Duncan

Edmundson
Faulk
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Lapsley

McDaniel
McDowell
Millsap
Powell

Riddle
Walker
Warren
Wikle

—24

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the Twelfth Legislative Day, which was:

The bill:

H. 1. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, to be known as Article XXIV, providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary, fees, or compensation of any executive, legislative, or judicial officer of the State, or of any subdivision thereof, whether elected or appointed, during his term of office, shall be suspended until October 1, 1935; to empower the Legislature to reduce salary, fees, or compensation during the term of office of any officer, and to make effective any law, heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, on the first day of the month next succeeding the date of ratification of this amendment.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows:

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing, decreasing, or diminishing the salary, fees, or compensation of any executive, legislative, or judicial officer, whether elected or appointed, of this State, or any subdivision thereof, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935. Until October 1, 1935, the Legislature shall have the power and authority to reduce the salary, fees, or compensation of any officer during his term of office. Any law heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office, effective by its terms, after the expiration of the present term of such office shall, by virtue hereof, be effective during the current term of the office affected from and after the first day of the month next succeeding the date of ratification of this amendment.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every

county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama?

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing, decreasing, or diminishing the salary, fees, or compensation of any executive, legislative, or judicial officer, whether elected or appointed, of this State, or any subdivision thereof, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935. Until October 1, 1935, the Legislature shall have the power and authority to reduce the salary, fees, or compensation of any officer during his term of office. Any law heretofore adopted by the Legislature reducing the salary, fees, or compensation of any office effective, by its terms, after the expiration of the present term of such office, shall by virtue hereof, be effective during the current term of the office affected from and after the first day of the month next succeeding the date of ratification of this amendment.

(Yes_____)(No_____)

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this Act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The vote cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

And the following substitute offered therefor by Mr. Lapsley:
Lapsley substitute for H. 1:

H. 1. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known as Article XXIV in words and figures as follows:

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof,

whether elected or appointed during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment. Provided, however, that should the Legislature as hereinafterwards authorized, adopt an Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent Act or Acts shall control.

Any other Act of the Legislature adopted prior to October 1, 1935 decreasing or diminishing the salary, fees or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such Act shall be subject to the provisions of said Constitution in force and effect prior to the adoption of this amendment."

and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Tuesday after the expiration of three months from the final adjournment of present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows:

"ARTICLE XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the Legislature as hereinafterwards authorized, adopt an Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount, such subsequent Act or Acts shall control.

Any other act of the Legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such act shall be subject to the provisions of said constitution in force and effect prior to the adoption of this amendment.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama?

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or any public officer or of any officer holding any civil office of profit under this State or any County or municipality, thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935.

Any act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption

of this amendment; Provided, however, that should the legislature as hereinafterwards authorized, adopt an act or acts decreasing or diminishing the salary, fees, or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent act or acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers and under the authority of this amendment may continue in force until October 1, 1935, after which time any such act shall be subject to the provisions of said constitution in force and effect prior to the adoption of this amendment."

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Mr. Teasley moved that further consideration of said bill and the pending substitute be postponed until the next Legislative Day and that said bill be made a special, paramount and continuing order immediately following the special order now appearing on tomorrow's calendar.

Mr. Lapsley moved to lay said motion on the table, which motion prevailed and the motion to postpone was laid on the table.

Yeas, 22; nays, 5.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Coward
Duncan
Faulk

Garrett
Goodwin
Hildreth
Hooton
Hubbard
Lapsley

Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Walker
Warren
Wikle

*Nays:**Messrs.:*

Cooper

Craft

Delony

Edmundson

Teasley

— 5

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend the Lapsley substitute for House bill No. 1 as follows:

1. Strike out the following in the caption to said Substitute and also wherever the same appears in the body of said substitute, viz: "And under the authority of this amendment may continue in force until October 1, 1935, after which time any such Act shall be subject to the provisions of said Constitution in force and effect prior to the adoption of this amendment"

2. Add the following to Section 3 of said substitute, viz:

"Yes ()

"No ()

3. Strike out the following in the caption and body of said substitute in the 7th and 8th line of the second paragraph of the proposed amendment as shown in the substitute for House Bill No. 1 viz;

"as herein afterwards authorized", and also strike out the word "An" after the word "adopt" in said line eight of said second paragraph, and insert in lieu thereof the following "any other" Which was adopted.

Mr. Craft offered the following amendment to said substitute, to-wit:

Amend Lapsley Substitute for House Bill No. 1 by adding the word "general" between the first and second words of the second and third paragraphs of the proposed amendment wherever same appears in said Act or in the caption thereof.

And said amendment was lost.

Mr. Hooton offered the following amendment to said substitute, to-wit:

Amend the Substitute for House Bill No. 1 as follows:

1. Add the following to the first paragraph of said proposed Amendment wherever the same occurs in both the caption and the body of said substitute: "Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, or compensation paid to any officer under this State or any county or municipality thereof, shall ever exceed the sum of Five Thousand (\$5,000.00) Dollars, per annum."

On motion of Mr. Lusk, said amendment was laid on the table.

Mr. Teasley offered the following substitute for the Lapsley substitute, as amended, to-wit:

To be entitled An Act to propose and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months from and after

the final adjournment of the present session of the Legislature of Alabama, an amendment to the Constitution of the State of Alabama, reducing and fixing the salaries, fees or compensation of all officers and employees of the State of Alabama, or of any department or agency of said State, or of any institution receiving appropriations from and out of the State Treasury, and whether paid a salary, or ex-officio fees or other fees, commission or compensation in excess of \$1200.00 per annum, and also of all the officers and employees of the several counties of the State (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) and whether paid a salary, ex-officio fees or other fees, commissions, or other compensation in excess of \$1200.00 per annum, and also to authorize the Legislature of Alabama after the ratification and adoption of the proposed amendment to diminish or increase the salaries, fees or compensation of the officers and employees of the State of Alabama, or of any department or agency of said state, or of any of its institutions, or of any county or municipality thereof.

Be it enacted by the Legislature of Alabama:

Section 1 That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

(a) All officers or employees of the State of Alabama, or of any county of said State, (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) and whose salary or compensation from all sources is in excess of \$7500.00 per annum shall not hereafter receive salaries or compensation from the public revenues of the State, or of any county thereof in excess of \$5000.00 per annum, and the salaries such officers or employees shall receive out of the public revenues of the State, or of any county thereof is hereby reduced to and fixed at \$5000.00 per annum.

(b) The salary of each and every executive, legislative or judicial officer or employee (except the Governor) or of any officer or employee holding any civil office of profit under this State, or of any employee or officer of any department or agency of the State, or of any institution receiving appropriations out of the State Treasury, and the salary of each and every officer or employee of any county in this State, (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) based on the annual salary such officer or employee was entitled to receive from all sources on December 31st, 1932, for the office or employ-

ment he holds or exercises is hereby reduced to and fixed at the following amounts: If the said salary or compensation was \$7500.00 per annum on said day, it is hereby reduced 33 1/3% of and fixed at 66 2/3% of the said amount; if the said salary or compensation was \$6000.00 per annum, or over, but less than \$7500.00 per annum on said day, it is hereby reduced 25% of and fixed at 75% of the amount of said salary or compensation, but in no case to exceed \$5000.00 per annum; if the said salary or compensation was \$4000.00 per annum, or more, but less than \$6000.00 per annum on said day, it is hereby reduced 20% of and fixed at 80% of the amount of the said salary or compensation; if the said salary or compensation was \$2000.00 per annum, or more, but less than \$4000.00 per annum on said day, it is hereby reduced 15% of and fixed at 85% of the amount of the said salary or compensation; if the said salary or compensation was \$1350.00 per annum, or more, but less than \$2000.00 per annum on said day, it is hereby reduced 10% of and fixed at 90% of the amount of the said salary or compensation; if the said salary or compensation was more than \$1200.00 per annum, but less than \$1350.00 per annum on said day, it is hereby reduced to \$1200.00 per annum. The salary of the Governor is hereby fixed at \$6000.00 per annum.

(c) The salary or compensation of each and every officer or employee of the State of Alabama, or of any department or agency of said State, or of any of its institutions, or of any county in this State, (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) whose salary or compensation is received from ex-officio or other fees, commissions or other compensation, based on the net receipts of the office he holds or exercises for the fiscal year which ended September 30th, 1932, is hereby reduced as follows: If the said salary or compensation was \$7500 per annum for said year, it is hereby reduced 33 1/3% of, and fixed at 66 2/3% of the said amount; if the said salary or compensation was \$6000.00 per annum or over, but less than \$7500.00 per annum for said year, it is hereby reduced 25% of, and fixed at 75% of the amount of said salary or compensation, but in no case to exceed \$5000.00 per annum, if the said salary or compensation was \$4000.00 per annum, or more, but less than \$6000.00 per annum for said year, it is hereby reduced 20% of and fixed at 80% of the amount of the said salary or compensation; if the said salary or compensation was \$2000.00 per annum, or more, but less than \$4000.00 per annum for said year, it is hereby reduced 15% of and fixed at 85% of the amount of the said salary or compensation; if the said salary or compensation was \$1350.00 per annum, or more, but less than \$2000.00 per annum for said year, it is hereby reduced 10% of, and fixed at 90% of the amount of the said salary or compensation; if the said salary or compensation was more than \$1200.00 per annum, but less than \$1350.00 per annum for said year,

it is hereby reduced to \$1200.00 per annum. (The words "Net Receipts" as herein used is hereby defined to be the salary or compensation which the officer holding said office received from ex-officio fees, or other fees, commissions, emoluments and such other compensation as he received from said office after deducting therefrom the expenses which he incurred in administering said office for and during the fiscal year.)

(d) The schedule of salaries or compensation herein provided for the officers and employees shall be held and construed to be for the fiscal year beginning October 1st. and ending September 30th. of each year, and to apply to the offices held by the officers and employees whose salaries or compensations are fixed by this amendment, and the salaries or compensation as to the said offices shall hereafter be governed and controlled by this amendment.

(e) The schedule of salaries and compensation herein fixed and provided shall become effective on the first day of the month next following the ratification and adoption of this amendment, and from and after said date all salaries and compensation of the said officers and employees shall be fixed by this amendment.

(f) All State and county officers and all State and county employees receiving fees, commissions or other method of compensation shall collect the fees, commissions and other compensation provided by law for their respective offices, and all State officers or employees shall pay into the State Treasury and all County officers or employees shall pay into the County Treasury of their respective counties all amounts in excess of amounts due them under the provisions of this amendment. The State Comptroller or officer of

the county shall preserve uniform records and accounts kept by State and county officers in connection with the collection of the amounts due the State and counties under the provisions of this amendment. Provided, further, that all officers shall be entitled to deduct from the receipts of the office, as herein defined, the amount necessary for the expenses of administering their respective offices with the approval of the Comptroller for State officers and with the approval of the Board of County Commissioners or other governing body of the county for county officers with the right of review by the Circuit Court of Montgomery County in the case of a State Officer, and of the county in which the officer holds or exercises his office in the case of a county officer by appeal. Any officer or employee, who knowingly makes a false report required of him by the State Comptroller, shall be guilty of perjury, and shall be punished in such manner as may be provided by law. Any two or more persons conspiring together to violate any of the provisions of this amendment, must each, on conviction be fined not more than \$1000.00, and may also be imprisoned in the county jail, or sentenced to hard labor in the county for not more than six months.

(g) If the Legislature shall hereafter, and prior to the ratification and adoption of this amendment, fix by a valid legislative act a

less salary, or less fees or compensation for any officer or employee of the State, or of any department or agency of said State, or of any institution receiving appropriations out of the State Treasury, or of any officer or employee of any county in said State, or of any department or agency of any county, or of any institution receiving appropriations out of the county treasury, than that herein fixed and provided, the salary, fees, or compensation fixed and provided by said Act shall govern and control, the provisions of this amendment to the contrary notwithstanding, and the salary, fees or compensation fixed and provided by said Act shall be and become the salary, fees or compensation for said officer or employee fixed by and under this amendment.

(h) All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative, or judicial officer, or of any public officer, or of any officer holding any civil office of profit under this State, or of any county or municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935, during which time, the Legislature shall have the power to decrease or diminish such salary, fees or compensation by the vote, now required for the passage of bills. After October 1, 1935, the Legislature shall have the power, by three-fifths vote of all the members elected to each House to increase or diminish the salary, fees, or compensation of any such officers or employees, provided however, that the salary, fees or compensation of any executive, legislative or judicial officer, or other officer or employee of this State, or of any department agency or institution receiving appropriations out of the State Treasury, or the salary of any county or municipal officer or employee, shall not be increased during the term for which he shall have been elected or appointed.

(i) This amendment is hereby declared to be self executing and all Acts of the Legislature and provisions of the Constitution in conflict with this amendment are hereby expressly repealed.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks next preceeding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

(a) All officers or employees of the State of Alabama, or of any department or agency of said state, or of any institution receiving appropriations from and out of the State Treasury, or of any county in said State, (except the Sheriffs, Clerks of

the Circuit Courts and the Registers of the Circuit Courts in Equity) and whose salary or compensation from all sources is in excess of \$7500.00 per annum shall not hereafter receive salaries or compensation from the public revenues of the State, or of any county thereof in excess of \$5000.00 per annum, and the salaries such officers or employees shall receive out of the public revenues of the State, or of any county thereof is hereby reduced to and fixed at \$5000.00 per annum.

(b) The salary of each and every executive, legislative or judicial officer or employee (except the Governor) or of any officer or employee holding any civil office of profit under this State, or of any employee or officer of any department or agency of the State, or of any institution receiving appropriations out of the State Treasury, and the salary of each and every officer or employee of any county in this State, (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) based on the annual salary such officer or employee was entitled to receive from all sources on December 31st. 1932, for the office or employment he holds or exercises is hereby reduced to and fixed at the following amounts: If the said salary or compensation was \$7500.00 per annum on said day, it is hereby reduced 33 1/3% of and fixed at 66 2/3% of the said amount; if the said salary or compensation was \$6000.00 per annum, or over, but less than \$7500.00 per annum on said day, it is hereby reduced 25% of and fixed at 75% of the amount of said salary or compensation, but in no case to exceed \$5000.00 per annum; if the said salary or compensation was \$4000.00 per annum, or more, but less than \$6000.00 per annum on said day, it is hereby reduced 15% of and fixed at 85% of the amount of the said salary or compensation; if the said salary or compensation was \$2000.00 per annum, or more, but less than \$4000.00 per annum on said day, it is hereby reduced 15% of and fixed at 85% of the amount of the said salary or compensation; if the said salary or compensation was \$1350.00 per annum, or more, but less than \$2000.00 per annum on said day, it is hereby reduced 10% of and fixed at 90% of the amount of the said salary or compensation; if the said salary or compensation was more than \$1200.00 per annum, but less than \$1350.00 per annum on said day, it is hereby reduced to \$1200.00 per annum. The salary of the Governor is hereby fixed at \$6000.00 per annum.

(c) The salary or compensation of each and every officer or employee of the State of Alabama, or of any department or agency of said State, or of any of its institutions, or of any county in this State, (except the Sheriffs, Clerks of the Circuit Courts and the Registers of the Circuit Courts in Equity) whose salary or compensation is received from ex-officio or other fees, commissions or other compensation, based on the net receipts of the office he holds or exercises for the fiscal year which ended September 30th. 1932, is hereby reduced as follows: If the said salary or compensation

was \$7500 per annum for said year, it is hereby reduced 33 1/3% of, and fixed at 66 2/3% of the said amounts; if the said salary or compensation was \$6000.00 per annum or over, but less than \$7500.00 per annum for said year, it is hereby reduced 25% of, and fixed at 75% of the amount of said salary or compensation, but in no case to exceed \$5000.00 per annum; if the said salary or compensation was \$4000.00 per annum, or more, but less than \$6000.00 per annum for said year, it is hereby reduced 20% of and fixed at 80% of the amount of the said salary or compensation; if the said salary or compensation was \$2000.00 per annum, or more, but less than \$4000.00 per annum for said year, it is hereby reduced 15% of and fixed at 85% of the amount of the said salary or compensation; if the said salary or compensation was \$1350.00 per annum, or more, but less than \$2000.00 per annum for said year, it is hereby reduced 10% of, and fixed at 90% of the amount of the said salary or compensation; if the said salary or compensation was more than \$1200.00 per annum, but less than \$1350.00 per annum for said year, it is hereby reduced to \$1200.00 per annum. (The words "Net Receipts" as herein used is hereby defined to be the salary or compensation which the officer holding said office received from ex-officio fees, or other fees, commissions, emoluments and such other compensation as he received from said office after deducting therefrom the expenses which he incurred in administering said office for and during the fiscal year.)

(d) The schedule of salaries or compensation herein provided for the officers and employees shall be held and construed to be for the fiscal year beginning October 1st. and ending September 30th. of each year, and to apply to the offices held by the officers and employees whose salaries or compensations are fixed by this amendment, and the salaries or compensation as to the said offices shall hereafter be governed and controlled by this amendment.

(e) The schedule of salaries and compensation herein fixed and provided shall become effective on the first day of the month next following the ratification and adoption of this amendment, and from and after said date all salaries and compensation of the said officers and employees shall be fixed by this amendment.

(f) All State and county officers and all State and county employees receiving fees, commissions or other method of compensation shall collect the fees, commissions and other compensation provided by law for their respective offices, and all State officers or employees shall pay into the State Treasury and all County officers or employees shall pay into the County Treasury of their respective counties all amounts in excess of amounts due them under the provisions of this amendment. The State Comptroller or officer of like authority shall prescribe uniform records and forms to be kept by State and county officers in connection with the collection of the amounts due the State and counties under the provisions of this amendment. Provided, further, that all officers shall be entitled

to deduct from the receipts of the office, as herein defined, the amount necessary for the expenses of administering their respective offices with the approval of the Comptroller for State officers and with the approval of the Board of County Commissioners or other governing body of the county for county officers with the right of review by the Circuit Court of Montgomery County in the case of a State Officer, and of the county in which the officer holds or exercises his office in case of a county officer by appeal. Any officer or employee, who knowingly makes a false report required of him by the State Comptroller, shall be guilty of perjury, and shall be punished in such manner as may be provided by law. Any two or more persons conspiring together to violate any of the provisions of this amendment, must each, on conviction be fined not more than \$1000.00, and may also be imprisoned in the county jail, or sentenced to hard labor in the county for not more than six months.

(g) If the Legislature shall hereafter, and prior to the ratification and adoption of this amendment, fix by a valid legislative act a less salary, or less fees or compensation for any officer or employee of the State, or of any department or agency of said State, or of any institution receiving appropriations out of the State Treasury, or of any officer or employee of any county in said State, or of any department or agency of any county, or of any institution receiving appropriations out of the county treasury, than that herein fixed and provided, the salary, fees; or compensation fixed and provided by said Act shall govern and control, the provisions of this amendment to the contrary notwithstanding, and the salary, fees

come the salary, fees or compensation for said officer or employee fixed by and under this amendment.

(h) All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative, or judicial officer, or of any public officer, or of any officer holding any civil office of profit under this State, or of any county or municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed, are hereby suspended until October 1, 1935, during which time, the Legislature shall have the power to decrease or diminish such salary, fees or compensation by the vote, now required for the passage of bills. After October 1, 1935, the Legislature shall have the power, by three-fifths vote of all the members elected to each House to increase or diminish the salary, fees, or compensation of any such officers or employees, provided however, that the salary, fees or compensation of any executive, legislative or judicial officer, or other officer or employee of this State, or of any department agency or institution receiving appropriations out of the State Treasury, or the salary of any county

or municipal officer or employee, shall not be increased during the term for which he shall have been elected or appointed.

(i) This amendment is hereby declared to be self executing and all Acts of the Legislature and provisions of the Constitution in conflict with this amendment are hereby expressly repealed.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of said election shall be made known by a proclamation of the Governor.

On motion of Mr. McDowell, said substitute was laid on the table.

Yeas, 19; nays, 7.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Coward
Delony

Duncan
Garrett
Hildreth
Hooton
Hubbard

Lapsley
Lusk
McDowell
Mullins
Powell

Riddle
Shepherd
Warren
Wikle

—19

Nays:

Messrs.:

Faulk
Fletcher

Goodwin
McDaniel

Millsap
Teasley

Walker

— 7

The question then recurred on the substitute offered by Mr. Lapsley.

Mr. McDaniel offered the following amendment to said substitute, to-wit:

Amend the substitute for House Bill No. 1 as follows:

1. Add the following to the first paragraph of said proposed amendment wherever the same occurs in both the caption and the body of said substitute: "Provided that from and after the first day of the month next succeeding the date of the ratification and

adoption of this amendment, no salary, compensation fees or commissions paid to any officer under this state or any county or municipality thereof, shall exceed the sum of Six Thousand Dollars per annum."

Mr. Lapsley moved to lay said amendment on the table, which motion was lost.

Yeas, 11; nays, 18.

Yeas:

Messrs.:

Bartlett	Hubbard	McDowell	Shepherd	
Beasley	Lapsley	Powell	Warren	
Bonner	Lusk	Riddle		—11

Nays:

Messrs.:

Cooper	Edmundson	Hildreth	Mullins	
Cowart	Faulk	Hooton	Teasley	
Craft	Fletcher	McDaniel	Walker	
Delony	Garrett	Millsap	Wikle	
Duncan	Goodwin			—18

And the amendment offered by Mr. McDaniel to said Lapsley substitute was then adopted.

Yeas, 18; nays, 10.

Yeas:

Messrs.:

Bartlett	Edmundson	Hooton	Shepherd	
Cooper	Fletcher	McDaniel	Teasley	
Cowart	Garrett	Millsap	Walker	
Delony	Goodwin	Mullins	Wikle	
Duncan	Hildreth			—10

Nays:

Messrs.:

Beasley	Hubbard	McDowell	Riddle	
Bonner	Lapsley	Powell	Warren	
Craft	Lusk			—10

Mr. Riddle offered the following amendment to said Lapsley substitute, to-wit:

Amend Substitute for House Bill No. 1 as follows:

Add the following to the first paragraph of said proposed amendment where the same appears in both the caption and the body of said substitute: Said limitation of \$6,000.00 to be inoperative after October 1, 1935.

Mr. McDaniel moved to lay said amendment on the table, which motion was lost.

Yeas, 13; nays, 15.

Yeas:

Messrs.:

Bartlett	Duncan	Goodwin	Teasley	
Cooper	Edmundson	McDaniel	Walker	
Cowart	Fletcher	Millsap	Wikle	
Delony				—13

*Nays:**Messrs.:*

Beasley	Hildreth	Lusk	Riddle
Bonner	Hooton	McDowell	Shepherd
Craft	Hubbard	Mullins	Warren
Garrett	Lapsley	Powell	

—15

And the amendment offered by Mr. Riddle to the Lapsley substitute was then adopted.

The question then recurred on the substitute offered by Mr. Lapsley, as thus amended, and said substitute was adopted.

Yeas, 28; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Lapsley	Riddle
Bonner	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hildreth	Millsap	Warren
Delony	Hooton	Mullins	Wikle

—28

And said bill, as thus amended, was then read a third time at length and passed.

Yeas, 28; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Lapsley	Riddle
Bonner	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hildreth	Millsap	Warren
Delony	Hooton	Mullins	Wikle

—28

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Sixteenth legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Sixteenth Legislative Day, approved.

ADJOURNMENT

At 6:15 P. M., on motion of Mr. Powell, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until tomorrow, March 9th, 1933, at 10 A. M.

SEVENTEENTH DAY

Thursday, March 9th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. H. B. Carson of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward

Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin

Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap

Powell
Riddle
Shepherd
Tasley
Walker
Warren

Darden

Hooton

—30

JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Darden:

S. 174. To further provide rules and regulations of the use of the public highways of this State by pedestrians and all vehicles.
Committee on Public Roads and Highways.

By Mr. Darden:

S. 175. To amend Section 6771 of the Code of Alabama of 1923 as amended by an Act entitled an Act to amend Section 6771 of the Code of Alabama of 1923 approved July 31, 1931, on pages 805 and 806 of the General Acts of the Legislature of Alabama, Regular Session 1931.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 168. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal Census, that the jail matron shall ex-officio be a probation officer of such county; and shall receive no additional compensation for said service.

By Mr. Craft:

S. 169. To levy in all counties of the State of Alabama having a population of more than one hundred thousand and less than three hundred thousand according to the last Federal Census for a period of three years, an excise tax on all persons, companies, agencies, corporations and associations who sell, distribute, store or withdraw from storage for any purpose whatsoever, gasoline or any other liquid motor fuels or devices or any substitutes therefor, within such counties for the purpose of constructing, supervising, and maintaining, and to such end providing funds to match Federal Aid Funds to construct and complete the Moffatt Road extending from the City of Mobile, Alabama, to the Mississippi line, being Federal Aid Project No. 210; to provide for the collection of such excise tax and the payment of the same in the County Treasury for the purpose herein provided; providing for the enforcement of this Act and fixing a penalty for the violation thereof.

By Mr. Craft:

S. 167. To amend an Act of the Legislature of Alabama approved September 9th, 1927 entitled "An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts: their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying

out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," and which Act was amended by the Legislature of Alabama by an Act approved April 21st, 1931, entitled "An Act to amend the title and section one of an Act entitled 'An Act Creating and establishing juvenile courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts; and prescribing its duties, and providing for appeals from any order or judgment of said Courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent, or dependent, and

providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of costs by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties; providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927", by amending Section two thereof by striking from said Section the following words 'b. shall appoint all Probation Officers and servants of said Court, except the Clerk of said Court and said Probation Officers and servants shall hold their places at the will of the Commission. All appointments shall be made subject to the approval and with the consent of the judge of said Court,' and by amending section seven thereof so as to reduce and fix the salary of the Judge of said Court, and to amend Section eight of said Act so as to reduce the number and salaries of the clerks and probation officers; and to provide that the probation officers shall be appointed by and hold office at the will of the sheriff of the county; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect; and to provide that if any portion, section, subdivision or part of this Act be unconstitutional it shall not affect the balance of said Act.

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

H. 361. To define the status of fish life in the public fresh waters of Alabama; to name game and non-game fishes; to define public and private waters; to regulate the taking of fish as to manner of taking, place, size and number; to prohibit the sale of game food fishes taken from public fresh waters and the transportation of game food fishes to any place beyond the borders of the State; to regulate the use of fishing devices; to prohibit the use of game fish for fish bait; to require permits to fish in private waters; to

make a violation of any of the provisions of this Act a misdemeanor and to fix penalties therefor; to provide for non-resident trip fishing and hunting licenses; to provide when this Act shall become effective and for other purposes.

By Mr. Rish:

H. 323. To Amend an Act entitled "An act to authorize game farming, to include game birds, animals and fur bearers for propagation purposes in the State of Alabama, to authorize the Commissioner of Game and Fisheries to engage in game farming to authorize the expenditure of revenue out of Game and Fish Fund therefor, to provide for the issuance of permits to accredited individuals, associations, partnerships, firms and corporations, to provide that the Commissioner of Game and Fisheries shall make regulations governing the issuance of said permits and the conduct of game farms, to provide for the cancellation of permit when terms upon which it is issued are violated, and to provide for penalties for violation of this Act, etc."

RESOLUTION

Mr. Powell offered the following Senate resolution:

S. R. 44. Resolved by the Senate that it will recess at 10:35 A. M. today for the purpose of assembling in the House of Representatives Chamber to hear the broadcast of the President's Message.

And on motion of Mr. Powell, the rules were suspended and the resolution unanimously adopted.

S. J. R. 45. Be it Resolved by the Senate, that when the two Houses adjourn today, they adjourn to meet again on Friday, March 10th, 1933, at 10: o'clock A. M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills and Senate joint resolution with the engrossed and original bills and Senate joint resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 38. Requesting United States Senator Vandenberg and Congressman Henry B. Steagall, addressing the Governor and both Houses of the Legislature on protecting time deposits of the depositors of the people of the nation.

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four

hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 14. For the relief of clerks of the Circuit Courts in Alabama.

Also:

H. 57. To relieve all persons in St. Clair County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in St. Clair County, Alabama.

Also:

H. 224. To repeal Sections 5, 6, 12 and 13 of an Act of the Legislature of Alabama, entitled "An Act to provide for the establish-

ment, maintenance, repair and regulation of public highways; including bridges and ferries, in St. Clair County," approved September 29, 1919. (Local Acts 1919, pages 245 to 252, both inclusive.)

Also:

H. 280. To provide for the payment out of the General Fund of Walker County, Alabama, the sum of One Hundred Dollars to H. O. Jackson, and Seventy-five Dollars to George Byars, for services as Special Deputy Sheriffs.

Also:

H. 300. To provide that wherever any justice of the peace court or the court of any notary public with powers of the Justices of the peace or any court created in lieu of justices of the peace or in lieu of notaries public with powers of justices of the peace have since the 31st day of January, 1933, been abolished or shall be hereafter abolished, and any court is created in lieu of such abolished court, all cases, causes of action and judgments pending in the court abolished at the time of its abolition, shall be transferred to the court created in lieu of the abolished court.

I. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

S. 166. To make further provision with respect to the affairs of Banks or Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now

or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Lapsley	Shepherd
Bonner	Garrett	Lusk	Walker
Caffey	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden	Hooton	Mullins	

—23

The bill:

H. 292. To amend an Act, entitled An Act "To establish an Inferior Court, to be known as the Inferior Court of Autauga County, in lieu of all Justices of the Peace and Notary Publics and Ex-Officio Justices of the Peace in Prattville precinct, or precinct number one of Autauga County, Alabama; to define the jurisdiction and powers of said court and the Judge and other officers thereof; to provide a place for holding of said Court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said Court and the Judge thereof".

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Powell
Caffey	Edmundson	Lapsley	Riddle
Cooper	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren

—28

The bill:

H. 358. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that the city council, or like governing body of the municipality, as merged shall have the right for a period of two years after the date of consolidation to fix the license or privilege tax required for the privilege of engaging in business within the territory which formerly comprised either of said municipalities in the same amount as was levied in such territory or municipality prior to

consolidation, and to authorize refunds of licenses heretofore issued in such municipalities computed on a different schedule.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Darden

Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Lapsley
Lusk
McDowell
Millsap
Mullins

Powell
Riddle
Shepherd
Teasley
Walker
Warren
Wikle

—28

CONSIDERATION OF SPECIAL ORDER

The Senate proceeded to consider the Special Order on today's calendar, which was the bill:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

The Standing Committee on Constitution, Constitutional Revision and Amendments reported the following amendment to said bill, to-wit:

Amend Senate bill 148 as follows:

1. ~~In Section 1, change date of convening from August 1st, 1933, as written, to August 22nd, 1933.~~

2. By striking out Section 3 entirely—and by striking all of Section 11 after and beginning with the words "Which said officers, with the exception of the president" etc—

3. Amend Section 4 by changing the words in the beginning of said section as follows: Change words "That on the 11th day of July, 1933" to "That on 8th day of August, 1933"

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Fletcher
Garrett
Goodwin
Hildreth

Hubbard
Lapsley
Lusk
McDaniel
McDowell
Millsap

Mullins
Powell
Shepherd
Teasley
Walker
Wikle

—26

Mr. Mullins offered the following amendment to said bill, to-wit:

Amend Senate Bill No. 148 by adding after Section Four therein Section 4½ in words and figures as follows:

Section 4½. That for the purpose of obtaining an expression

from the people of the entire state as to whether they favor or not the repeal of the 18th Amendment, the ballot used in said election shall have printed upon it "For Repeal" and "Against Repeal" and the voter shall make a cross mark against one or the other, as may express his wish, and such vote shall be counted, canvassed, and reported as is herein provided for the counting, canvassing and reporting of the votes cast for delegates from the State at large. The majority vote of the entire State shall be binding upon all delegates to such convention whether elected from the State at large or not, to the end that said convention shall faithfully execute the will of the majority in such election.

Which was adopted.

Yeas, 21; nays, 7.

Yeas:

Messrs.:

Beasley

Cowart

Craft

Delony

Duncan

Edmundson

Fletcher

Garrett

Hildreth

Hubbard

Lapsley

McDaniel

McDowell

Millsap

Mullins

Powell

Shepherd

Teasley

Walker

Warren

Wikle

—21

Nays:

Messrs.:

Bartlett

Bonner

Caffey

Cooper

Darden

Hooton

Riddle

— 7

PAIR ANNOUNCED

Mr. Goodwin announced that he and Mr. Faulk were paired on this vote; that Mr. Faulk, if present, would vote "No" and he Mr. Goodwin, would vote "Aye".

Mr. Darden offered the following amendment to said bill, to-wit:

Amend Section 2 of said bill so that said section shall read as follows:

Section 2. That the convention herein provided for shall be composed of 141 delegates who shall be elected as follows: By the several counties of this state the same number of delegates that they are entitled respectively to representatives in the House of Representatives of the Legislature of Alabama, and each senatorial district of the State shall elect one delegate, and in addition thereto there shall be elected ten (10) delegates from the State at large, to be elected by the electors of the entire State.

Mr. Walker moved to lay said amendment on the table, which motion was lost.

Yeas, 9; nays, 19.

Yeas:

Messrs.:

Beasley

Craft

Edmundson

Fletcher

Lapsley

Lusk

Millsap

Walker

Wikle

— 9

Nays:**Messrs.:**

Bartlett
Bonner
Caffey
Cooper
Coward

Darden
Delony
Duncan
Garrett
Hildreth

Hooton
Hubbard
McDaniel
McDowell
Mullins

Powell
Riddle
Shepherd
Warren

—19

And the amendment offered by Mr. Darden was then adopted.
Yeas, 26; nays, 2.

Yeas:**Messrs.:**

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin

Hildreth
Hubbard
Lapsley
McDaniel
McDowell
Millsap

Mullins
Powell
Shepherd
Teasley
Warren
Wikle

—26

Nays: Messrs. Lusk and Walker

— 2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 22; nays, 7.

Yeas:**Messrs.:**

Beasley
Coward
Craft
Delony
Duncan
Edmundson

Fletcher
Garrett
Hildreth
Hubbard
Lapsley
Lusk

McDaniel
McDowell
Millsap
Mullins
Powell

Shepherd
Teasley
Walker
Warren
Wikle

—22

Nays:**Messrs.:**

Bartlett
Bonner

Caffey
Cooper

Darden
Hooton

Riddle

— 7

PAIR ANNOUNCED

Mr. Goodwin announced that he and Mr. Faulk were paired on this vote; that Mr. Faulk, if present, would vote "No" and he, Mr. Goodwin, would vote "Aye".

The bill:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260,

2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as amended.

Was taken up.

The Standing Committee on Municipalities and Municipal Organizations reported the following substitute for said bill, to-wit: Substitute for H. 140:

A BILL

To be entitled An Act to amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "AN ACT to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act.'", as amended.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "AN ACT to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama Approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act'", as amended, be, and said Section 1 hereby is, amended so as to read as follows:

Section 1. That Section 17, of Article II, of said Act, be, and the same is hereby amended so as to read as follows:

Section 17. BONDED INDEBTEDNESS ADJUSTED, RE-FUNDED, ETC.— The governing body of any municipality may,

without an election, issue bonds of the municipality for the purpose of refunding any matured or unmatured bonds of such municipality outstanding on the date on which proceedings for the issuance of such refunding bonds are instituted and falling due as hereinafter limited, or specified, whether the bonds to be refunded belong to one class, or to two or more classes, or to one issue or two or more issues, provided no issue of refunding bonds shall exceed the principal amount of the bonds to be refunded, and provided, further, the principal amount of the bonds to be refunded shall not be less than one thousand dollars, and provided, moreover, that no general obligation bond of a municipality having less than six thousand population shall be combined with a limited obligation bond of such municipality under Section 2294 of the Code of Alabama, as amended, for refunding by a single refunding issue. The proceedings authorizing any refunding issue shall clearly identify the bonds to be refunded thereby. Such proceedings shall also clearly specify whether the refunding bonds thereby authorized shall be sold and the proceeds of such sale devoted to payment of the bonds to be refunded, or whether such refunding bonds shall be exchanged for the bonds to be refunded.

In case the refunding operation provided by said proceedings shall be by way of sale of refunding bonds and devotion of the proceeds of such sale to payment of the bonds to be refunded, the bonds provided thereby to be refunded shall have a maturity not later than six months from date of the refunding bonds. In case, however, the refunding operation provided by said proceedings shall be by way of exchange of refunding bonds for bonds to be refunded, the bonds to be refunded may have any maturity whatever, past, present or future. In case said proceedings contemplate sale of refunding bonds thereby authorized, the proceeds of sale of such authorized refunding bonds shall be kept in a separate fund, which shall be held inviolate, and ear marked, for application exclusively to payment of the principal of bonds described in said proceedings to be refunded. In case said proceedings contemplate exchange of refunding bonds thereby authorized, such authorized refunding bonds shall be used for no purpose other than that of exchange for bonds described in said proceedings to be refunded. Without limiting the generality of any of the foregoing, it is specifically declared that serial bonds shall be included in the classes and issues of bonds which may be refunded hereunder.

Section II. All laws or parts of laws in conflict with this Act are hereby repealed.

Said Standing Committee on Municipalities and Municipal Organizations also reported the following amendment to said substitute, to-wit:

Amend Substitute for House Bill No. 140 by adding at the end of Section 17 in Section One thereof the following words: Bonds which any municipality is legally obligated to pay, although not issued in the name of such municipality, shall be considered Bonds of such municipality for the purposes of this Section.

Which was adopted.

And said committee substitute, as thus amended, was then adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	McDowell
Beasley	Delony	Hildreth	Mullins
Bonner	Duncan	Hubbard	Powell
Caffey	Edmundson	Lapsley	Shepherd
Cowart	Fletcher	Lusk	Warren
Craft	Garrett	McDaniel	Wikle

—25

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Mullins	Wikle

—24

The bill:

H. 366. To provide for a depository of State Bonds of Alabama in lieu of sureties on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court and the County Treasurers of School Funds, and to provide the liability on said State Bonds, and to provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for

weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill, to-wit:

Amend H. 366 as follows:

By striking from the caption thereof all words from and in including the words—"To provide" where they first appear together therein, to and including the following words where they first appear together therein—"and to provide the liability on said State bonds, and,".

2. By striking from said bill Section 1 thereof.

3. By adding to Section 7 of said bill the following:

And provided further, that nothing herein shall relieve any public official from making official bond as is now required by law, nor from liability thereon except as is provided by this act.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Lapsley	Shepherd
Caffey	Edmundson	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Mullins	Wikle
Craft	Goodwin		

—26

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Lapsley	Riddle
Bonner	Edmundson	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Mullins	Wikle
Craft	Hildreth		

—26

The bill:

H. 367. To make further provision with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation

or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

Was taken up.

Mr. Powell offered the following substitute for said bill, to-wit: Substitute for House bill No. 367:

A BILL

To be entitled An Act to make further provisions with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

Be it enacted by the Legislature of Alabama:

Section 1. "Bank" as herein used shall mean and include any incorporated bank, trust company or savings bank or any person, firm, association or corporation doing a banking or trust company business in this State under the jurisdiction of the Superintendent of Banks. "Receivership liquidation" as herein used shall mean closing and complete liquidation in the manner now provided by law in the case of insolvent banks.

Section 2. Any act or proclamation of any State official done or made on or after March 1, 1933, and prior to the adoption of this Act with respect to making effective a bank holiday and/or the exercise of any powers under any such Act or proclamation with respect to banking business and banking operation is hereby ratified, approved and confirmed.

Section 3. The Superintendent of Banks with the concurrence of not less than two other members of the Banking Board, or any three members of the Banking Board without action by said Superintendent, are hereby authorized and empowered, in addition to all other powers now conferred by law upon the Superintendent of Banks and/or the Banking Board, whenever in their judgment the circumstances warrant it, to authorize and/or direct any and all banks:

(a) To postpone for any length of time the payment of any

proportion of deposit or other liabilities, demand and savings account liabilities and certificate of deposit liabilities, to any individual, firm, corporation or entity, as said State officials may deem necessary and expedient to be determined by them according to any facts and conditions which in their opinion for emergency or other reasons require such action in each particular instance.

(b) To receive deposits to be classified by said State officials under rules and regulations as extended or modified under this Act from time to time, each class of which shall be segregated from any other class, and shall be subject only to such restrictions or limitations, if any, as may be imposed by said State officials, and may be invested in such character of investments as may be authorized or approved from time to time by said State officials.

(c) To segregate particular assets for or towards the liquidation and discharge of particular deposit or other liabilities, or any specified percentage thereof, of said bank, without proceeding with a receivership liquidation, under such rules and regulations with respect thereto as said State officials may deem proper for the protection of interested parties, and in such cases to continue the operation of the business.

(d) To make and renew loans from time to time in the ordinary course of banking business out of any assets available therefor.

Section 4. Whenever, in the opinion of the Superintendent of Banks, it shall be deemed that an emergency exists, the Superintendent of Banks, with the concurrence of not less than two other members of the Banking Board, or any three members of the Banking Board, without action by said Superintendent, shall be authorized to declare and put into effect a bank holiday for such period as he or they may deem necessary, and/or to promulgate or approve such emergency rules or regulations with respect to banking business, practices and transactions within the State, or within any community or locality therein, as shall, in his or their opinion, be deemed necessary; such rules or regulations to continue in force for such period as may be fixed by him or them in promulgating the same and until modified, suspended or terminated as hereinafter provided.

Section 5. Any such bank holiday, or any such rule or regulation, may be extended, modified, suspended or terminated by the Superintendent of Banks, with the concurrence of not less than two other members of the Banking Board, or by any three members of the Banking Board without action by said Superintendent, by signing and filing their written direction to that effect with the Superintendent of Banks, who shall thereupon forthwith proclaim and give effect to the same.

Section 6. Whether or not an emergency may be deemed to

exist whenever the Superintendent of Banks with the concurrence of not less than two members of the Banking Board, or any three members of the Banking Board without action by said Superintendent, shall authorize and empower any bank to act under the provisions of this act, they are hereby empowered to make and adopt such rules and regulations from time to time, and to extend, modify, suspend or terminate any thereof from time to time as they may deem proper for the protection of interested parties, and to require such periodical and other reports in detail with respect to operation under such rules and regulations as they may see fit.

Section 7. No bank or national banking association, nor any surety or guarantor of any bank or national banking association, shall suffer any penalty or liability for damages or increase of liability, or be in default, nor shall any maker, endorser, guarantor or other party or person be released from liability or obligation, or be in default by reason of a bank's compliance with any action of any State official authorized or ratified by this Act, or compliance with any Act of Congress of the United States now or hereafter enacted or with any rule or regulation promulgated by duly constituted officials of the United States. Any course of action, if any there be, for or on account of any of the matters specified in this section, which arose after February 28th, 1933, and prior to the time when this Act becomes effective shall be barred after March 31st, 1933.

Section 8. No public officer or surety on his official bond shall suffer any penalty or liability for damages or increase of liability or be in default by reason of any failure on his part to perform any act or duty where such failure is due to compliance by any bank, or National banking association with any order or requirement of the Superintendent of Banks or the Banking Board authorized or ratified by this Act, or with any Act of Congress of the United States now or hereafter enacted, or with any rule or regulation promulgated by duly constituted officials of the United States. Any cause of action, if any there be, for or on account of any of the matters specified in this section, which arose after February 28th, 1933 and prior to the time when this Act becomes effective shall be barred after March 31st, 1933.

Section 9. The State Superintendent of Banks, with the concurrence of not less than two other members of the Banking Board, or any three members of the Banking Board without action by the Superintendent, are hereby authorized, in addition to all other powers herein conferred by law upon the Superintendent of Banks and the Banking Board, whenever in their judgment the circumstances warrant it, to authorize any bank to comply with the provisions of any law heretofore, or hereafter, enacted by the Congress of the United States of America, which may confer rights

or privileges upon banks which are members of the Federal Reserve System, or of any Federal banking agency hereafter created, or upon any bank complying with the requirements of such Federal law.

Section 10. Any bank may do any and all things necessary or desirable to permit it to operate under the provisions of any Act of Congress of the United States now or hereafter enacted.

Section 11. Whenever pursuant to any provision hereof any bank is authorized to do any one or more of the things specified in this Act, without receivership liquidation, its operating expenses, including compensation to officers and employees, shall be payable as a first charge against all of its assets subject to such pro rata thereof and such limitations as may be placed thereon from time to time by any rules and regulations made and adopted and extended or modified from time to time as in this Act provided. Any such rules and regulations may permit any bank to make charges for any banking service performed by it, and it shall be lawful for any bank to charge accordingly for services not in excess of the amount authorized by such rules and regulations.

Section 12. Whenever pursuant to any provision of State or Federal Law, or of any rule or regulation by any State or Federal authority made or adopted pursuant thereto, or whenever pursuant to contractual arrangement, any bank or national banking association doing business in this State is under duty or obligation to segregate particular assets for or towards the liquidation or discharge of particular liabilities or specified percentages of particular liabilities, such assets shall be segregated in such manner as to provide for the pro rata application of the proceeds thereof from time to time to the particular liabilities or percentage of particular liabilities on account of which they are segregated without preference or priority of one liability over another, and in accordance with the amounts of such particular liabilities as of the date of such segregation. Upon any receivership liquidation of any bank, the particular assets so segregated, and any then remaining proceeds of any thereof, shall, subject to expenses of liquidation, be distributable pro rata towards the particular liabilities or percentage of particular liabilities on account of which segregated with proper adjustment for previous payments therefrom.

Section 13. Whenever pursuant to any provision of State or Federal law, or of any rule or regulation by any State or Federal authority made or adopted pursuant thereto, or whenever pursuant to contractual arrangement, any bank or national banking association doing business in this State is under duty or obligation to segregate particular items or assets separate and apart from other items or assets, the same may be either:

- (a) Segregated specifically and in kind in the possession of

the bank or national banking association, but commingled within the class or amount on account of which they are segregated, or

(b) Converted into deposit account separate from any general or other deposit account of such bank or national banking association with a Federal Reserve Bank or branch thereof created and organized under an Act of Congress of the United States approved December 23rd, 1913, known as the Federal Reserve Act, as amended, or with any governmental agency hereafter created by Act of Congress of the United States authorized to receive such deposit accounts but commingled in such account within the class or amount on account of which such deposit is made, or

(c) Converted into deposit account separate from any general or other deposit account of such bank or national banking association with any one or more other banks or national banking associations doing business in the State and/or with any one or more banks doing business outside of the State, and members of the Federal Reserve System, or any governmental agency hereafter created by Act of Congress of the United States authorized to receive such deposit accounts, but commingled in such account within the class or amount on account of which such deposit is made, or

(d) Either or any one or more of the foregoing.

Any such segregation shall be sufficient if made in any one or more of the manners above specified at or as of the close of business on any banking day.

Section 14. Any deposit of script, clearing house certificates or emergency currency in any form, or of any order on any such deposit, shall be dischargeable in whole or in part either in kind or in legal tender of the United States of a value no greater than the current exchange value of the script, clearing house certificates, or emergency currency originally deposited at the time of payment at the option of the bank or National Banking Association accepting such deposit. Any other deposit shall be dischargeable when and as entitled to payment thereof, or on account thereof, only in legal tender of the United States as fixed by the laws of the United States in force and effect at the time of payment thereof, or of payment on account thereof.

Section 15. The Superintendent of Banks, with the concurrence of not less than two other members of the Banking Board, or any three members of the Banking Board without action by said Superintendent, may from time to time authorize any bank or National Banking Association singly or by groups to issue and reissue from time to time script, certificates, clearing house certificates, or emergency currency in such form, under such restrictions and conditions, entitled to such lien on specific security therefor or without such lien and entitled to such rights and privileges as said State Officials may authorize, approve or direct.

The issue and reissue thereof shall be lawful, and subject to no civil or criminal penalties, or interest charges, or taxation, or additions of any kind thereto, notwithstanding any contrary provisions of the laws of this State.

Section 16. Until such time as the present banking emergency is declared to have ended by Proclamation of the Superintendent of Banks, it shall be lawful for the State or any Political Sub-division thereof and for merchants, manufacturers, public utilities and other business establishments in this State, whether conducted by an individual or individuals or under corporate charter, with the approval of the Superintendent of Banks, to issue as evidence of compensation for services or labor, notes or certificates of indebtedness to their employees in convenient denominations, payable not more than ninety (90) days after such Proclamation shall be made, and none thereof shall be subject to any civil or criminal penalties or interest charges or taxation or additions thereto of any kind notwithstanding any contrary provisions of the laws of this State. The right of the State or any political sub-division thereof to issue notes in anticipation of the collection of taxes under any law now in force and effect shall not be impaired or affected by the provisions of this section.

Section 17. Within any class of deposits in any bank or national banking association doing business in this State on account of which ~~class~~ particular assets are segregated, the separate items may be mingled and commingled.

Section 18. Whenever any bank is required to segregate particular assets under any rule or regulation promulgated or extended or modified under this Act, it shall accomplish such segregation as promptly as reasonably possible, and shall at and as of the close of business thereto and withdrawals therefrom in accordance with rules and regulations promulgated, extended or modified from time to time under this Act. Transfer orders as of the close of business each banking day shall be sufficient for the purposes of any such segregation or adjustment thereof. Any segregation made in accordance with the provisions of this Act, or in accordance with any rule or regulation promulgated, extended or modified under this Act shall be sufficient identification of the items included in such segregation for all purposes.

Section 19. The Superintendent of Banks, with the concurrence of not less than two other members of the Banking Board, or any three members of the Banking Board, without action by said Superintendent, are hereby further authorized and empowered to approve and authorize any bank which was doing business on March 1, 1933, to reorganize its business and affairs, without receivership liquidation, to such extent as may be deemed by them proper and any reorganization so approved and authorized shall

be lawful and effective provided that in no case shall the paid in capital stock be permitted thereby to be reduced below the minimum amount now required by law.

Section 20. The members of the Banking Board shall have full access to the records and information in the State Banking Department and may lawfully be permitted such access.

Section 21. If any bank shall violate any of the rules or regulations promulgated, extended or modified hereunder, or violate any of the provisions of this Act, and shall not, after demand made by the Superintendent of Banks that such violation shall cease, cease and correct such violation within three days after such demand, then, and in any such event, the Superintendent of Banks, with the written concurrence of two other members of the Banking Board, may proceed to require the closing and receivership liquidation of such offending bank in the manner provided by law with respect to insolvent banks, if otherwise the conditions authorize such action.

Section 22. The provisions of this Act shall be cumulative of and not amendatory to any existing state law with respect to banks and banking, except in so far as this Act is clearly in conflict therewith.

Section 23. If any section, sentence, clause or provision of this Act is declared unconstitutional or void for any reason, the validity of the remainder of this Act shall not be affected thereby.

Section 24. This Act shall take effect immediately upon approval by the Governor.

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Riddle
Caffey	Edmundson	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Wikle

—28

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Lapsley	Riddle
Bonner	Edmundson	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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RECESS

At 1:05 P. M., on motion of Mr. Teasley, the Senate took a recess until 4:00 o'clock this afternoon.

AFTERNOON SESSION—SEVENTEENTH DAY

Thursday, March 9th, 1933.

The Senate re-assembled at 4:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowan	Garrett	McDaniel	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—28

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Green:

H. 139. To amend an Act entitled, "An Act to amend Section 2377 of the Code of Alabama of 1923," Approved July 22, 1931.

By Mr. Green:

H. 244. To amend Section Three of an Act entitled an Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923.

By Mr. Hooton (with substitute):

S. 9. To amend Section 8 of an act entitled an act, "In reference to and to further provide for the general revenue of the state of Alabama," being House Bill 359 by Tunstall on page 139 of the General acts of Alabama, of 1927.

By Mr. Taylor:

H. 310. To amend Sections 17, 18, 52, 55, 56, and 60 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10, 1927, entitled "An Act to provide a code of Laws authorizing and governing the issuance, sale, regulation,

funding, refunding, paying, and retiring of Bonds of the counties and municipal corporations, and to repeal sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

By Mr. Hooton (with substitute):

S. 11. To amend Section 9 of an Act entitled an Act, "In reference to and to further provide for the General Revenue of the State of Alabama", being House Bill 359 by Tunstall on page 139 of the General Acts of Alabama of 1927.

By Mr. Hooton (with substitute):

S. 10. To amend Section 7 of an Act entitled an Act, "In reference to and to further provide for the General Revenue of the State of Alabama", being House Bill 359 by Tunstall on page 139 of the 1927 General Acts of Alabama.

By Mr. Duncan (with amendment):

S. 115. To authorize the State Comptroller, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

By Mr. Walker:

S. 164. To authorize and require the tax Collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of advalorem taxes at any time before the sale of the properties liable therefor.

By Mr. Hooton (with amendment):

S. 154. To amend "An Act To authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived there-

from and fixing penalties for the violation of any of the provisions of this Act," Which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective counties, and to repeal all laws and parts of laws in conflict with this Act," Approved November 8, 1932. So that the same shall read as follows:

AN ACT

To authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than Seventeen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of public school teachers for teaching school in class room work in the public schools in the respective counties, and to repeal all laws and parts of laws in conflict with this Act.

By Mr. St. John:

H. 13. To provide for the distribution of appropriations for the year 1933-1934 which are apportioned by the State Board of Education according to the attendance of children in public schools.

By Mr. Taylor:

H. 68. To amend Section 3109 of the Code of Alabama, 1923, relative to the time allowed for the redemption of real property.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 45. Relative to the adjournment of the two Houses until Friday, March 10, 1933, at 10:00 o'clock A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 366. To provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Also:

H. 367. To make further provisions with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 292. To amend an Act, entitled An Act "To establish an Inferior Court, to be known as the Inferior Court of Autauga Coun-

ty, in lieu of all Justices of the Peace and Notary Public and Ex-Officio Justices of the Peace in Prattville precinct, or precinct number one of Autauga County, Alabama; to define the jurisdiction and powers of said court and the Judge and other officers thereof; to provide a place for holding of said Court, for the terms, salaries and compensation for the Judge and other officers of said Court, and the manner of their appointment or election and the payment of their salaries; and to define the jurisdiction and powers of said Court and the Judge thereof".

Also:

H. 358. To provide that where two or more municipalities have consolidated or merged within one year prior to October 1, 1932, that the city council, or like governing body of the municipality, as merged shall have the right for a period of two years after the date of consolidation to fix the license or privilege tax required for the privilege of engaging in business within the territory which formerly comprised either of said municipalities in the same amount as was levied in such territory or municipality prior to consolidation, and to authorize refunds of licenses heretofore issued in such municipalities computed on a different schedule.

Also:

H. 367. To make further provision with respect to the banking business; to confer additional powers and authority, and emergency powers and authority, upon the Superintendent of Banks and the Banking Board; to ratify and confirm any proclamation or action already taken by the Governor or any other State official or officials within the scope of the powers hereby conferred; to relieve banks and their sureties or guarantors and other persons of penalties, liabilities or defaults and to prevent release of makers, endorsers, guarantors or others by reason of compliance by any bank with any proclamation, order, rule, or regulation issued with respect to banks on or after March 1, 1933.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

S. 153. To amend Section 4788 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; nays, 6.

Yeas:

Messrs.:

Bonner
Cooper
Craft
Darden
Delony

Duncan
Goodwin
Hildreth
Hooton

Hubbard
McDaniel
Millsap
Mullins

Powell
Shepherd
Teasley
Wikle

—17

Nays:

Messrs.:

Bartlett
Cowart

Fletcher
Lusk

Walker

Warren

— 6

The bill:

S. 150. To amend Section 2 of an Act "To amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266 Code of Alabama of 1923, and all laws or parts of laws in conflict with this Act,' " approved July 10, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett
Bonner
Cooper
Cowart
Craft

Darden
Delony
Duncan
Edmundson
Goodwin

Hildreth
Hooton
Hubbard
Lusk
McDaniel

Mullins
Shepherd
Warren
Wikle

—19

The bill:

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of sections 3023, 3024 and 3025, of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 2.

Yeas:

Messrs.:

Bartlett

Bonner

Cooper

Craft

Delony

Edmundson

Fletcher

Goodwin

Hildreth

Hooton

Hubbard

Lusk

McDaniel

Millsap

Mullins

Powell

Shepherd

Teasley

Walker

Warren

Wikle

—21

Nays: Messrs. Darden and Duncan

— 2

The bill:

H. 255. To provide for the exemption from jury duty of certain persons unless they consent to serve.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill, to-wit:

Substitute for H. B. No. 255:

A BILL

To be entitled An Act to amend an Act entitled "An Act to amend Section 8605 of the 1923 Code of Alabama" approved February 21st, 1927.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 8605 of the 1923 Code of Alabama as amended by an Act entitled "An Act to amend Section 8605 of the 1923 Code of Alabama" approved February 21, 1927, be amended so as to read as follows:

Section 8605 (7245) (4986) (4301) (4734) (514) Persons exempt from Jury Duty. The following persons are hereby exempt from jury duty unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; Officers of the Executive Departments of the State Government; sheriffs and their deputies; clerks of the Courts and county commissioners; regularly licensed and practicing physicians; dentists or pharmacists; teachers of public or private schools while actively engaged in their profession; consuls or vice-consuls or any consular agent of any foreign country; officers and regularly licensed engineers of any boat plying the waters of this state; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; conductors, engineers, firemen, brakeman, switchman, flagman and any other railroad employee actually engaged in the operation of any train of any railroad; regularly licensed embalmers while actually engaged in their profession; and rural and city or town mail carriers while engaged in their work.

Which was adopted.

Yeas, 19; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hildreth	Mullins
Bonner	Delony	Hooton	Shepherd
Cooper	Duncan	Hubbard	Warren
Cowart	Edmundson	Lusk	Wikle
Craft	Goodwin	McDaniel	

—19

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hildreth	Mullins
Bonner	Delony	Hooton	Shepherd
Cooper	Duncan	Hubbard	Warren
Cowart	Edmundson	Lusk	Wikle
Craft	Goodwin	McDaniel	

—19

The bill:

H. 141. To authorize cities in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to construct, install, operate and maintain toll tunnels, streets and roads, together with appurtenances deemed proper for the safety or convenience thereof, or of the users thereof, either within or without, or partly within and partly without, such cities; to authorize such cities to borrow money for such purposes; to prescribe the powers, rights, privileges, duties and responsibilities of such cities in relation to such projects and in relation to the borrowing, securing and repaying of money for such projects; to authorize contracts and other instruments in relation to the foregoing matters; and to authorize counties in which such cities may be situated to join with such cities in said undertakings.

Was taken up.

Mr. Edmundson offered the following amendment to said bill, to-wit:

Amend Section 5 of House Bill No. 141 to read as follows:

Section 5. "That after sufficient tolls or fees have been collected to pay the principal and interest of said loan, in addition to the cost of the maintenance and operation of such tunnel, such tunnel or underpass shall become toll free to the public and no charge shall be made for passage through or over said tunnel or underpass."

Which was adopted.

Yeas, 28; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Beasley	Bonner	Cooper
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Cowart	Fletcher	Lapsley	Riddle
Craft	Garrett	Lusk	Shepherd
Darden	Goodwin	McDaniel	Teasley
Delony	Hildreth	Millsap	Walker
Duncan	Hooton	Mullins	Warren
Edmundson	Hubbard	Powell	Wikle

—28

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—28

The bill:

H. 308. To authorize and require the Board of Registrars, in all counties in this State which now or hereafter may have a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, to sit for thirty days, (not including Sundays) each year beginning on the third Monday in April, 1933, for the purpose of purging the list of voters of said counties; and to provide for the payment for said services; and to provide when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—28

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 1. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known as Article XXIV in words and figures as follows:

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, compensation, fees or commissions paid to any officer under this State or any County or municipality thereof, shall exceed the sum of Six Thousand Dollars per annum".

Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any act of the legislature heretofore adopted decreasing or diminishing the salary, fees, or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment. Provided, however, that should the Legislature adopt any other act or acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent act or acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers, and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Tuesday after the expiration of three months from the final adjournment of present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legis-

lature, at which this amendment is proposed. The proposed amendment is as follows:

"ARTICLE XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, compensation, fees or commissions paid to any officer under this State or any County or municipality thereof, shall exceed the sum of Six Thousand Dollars per annum.

Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the Legislature adopt any other act or acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount, such subsequent Act or Acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every County in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there

shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama?

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, compensation, fees or commissions paid to any officer under this State or any County or municipality thereof, shall exceed the sum of Six Thousand Dollars per annum.

Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the Legislature adopt any other act or acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount, such subsequent Act or Acts shall control.

Any other act of the legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees, or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the legislature of any such act decreasing or diminishing the salary, fees or compensation of such officer or officers.

"Yes () "NO ()"

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this act, the law governing general elections and the constitutional provisions concerning amendments to the Constitutions.

Section 5. The votes cast at such election shall be canvassed,

tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

NOTICE

Mr. Hooton gave to the Senate the following notice in writing: "Notice is hereby given that on the next Legislative Day, I will move to take from the Adverse Calendar, have the same read a second time and placed on the Regular Calendar, the bill:

H. 248. To amend Section 3760 of the 1923 Code of Alabama.
Hooton"

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2265, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,' as amended.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully ex-

amined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Seventeenth Legislative Day approved.

ADJOURNMENT

At 5:00 P. M., on motion of Mr. Hooton and in accordance with joint resolution heretofore adopted, the Senate adjourned until tomorrow, March 10th, 1933, at 10:00 A. M.

EIGHTEENTH DAY

Friday, March 10th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. F. M. Barnes, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lapsley	Teasley
Caffey	Fletcher	Lusk	Walker
Cooper	Garrett	McDaniel	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth	Mullins	

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JOURNAL

On motion of Mr. Bonner, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTION

Mr. Powell offered the following joint resolution:

S. J. R. 46. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to reconvene on Tuesday, March 14th, 1933 at 12: M.

And on motion of Mr. Powell, the rules were suspended and the resolution adopted.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Cowart:

S. 176. To alter and rearrange the boundary line between Winston and Marion Counties.

Committee on Counties and County Boundaries.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or called session for the year 1933, for the passage of a local act for Winston county which act is in substance as follows:

AN ACT

To alter and re-arrange the boundary line between Winston and Marion counties.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby detached from Winston County and is hereby added to Marion county all of Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32, in Township 9, Range 10, west. Also Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 in Township 10, Range 10, west, in Winston County, Alabama.

Section 2. That except as arranged and provided in Section 1 of this Act the boundary line between Winston and Marion Counties shall remain as at present fixed by law.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 4. This act shall go into effect immediately upon the passage and approval by the Governor of local laws for Marion County, Alabama, establishing a Circuit Court District in the east side of Marion County with Circuit Court held at Haleyville, Alabama and creating a special Deputy Sheriff for said Circuit Court Division and shall remain in force only so long as said local laws remain in full force and effect.

Many Citizens

PUBLISHERS AFFIDAVIT

THE STATE OF ALABAMA

Winston County

Before me a Notary Public in aforesaid county, in the State aforesaid appeared E. P. Lakeman who, being duly sworn, doth depose and say that he is publisher of THE ADVERTISER-JOURNAL, a weekly newspaper published in the Town of Haleyville, State and county aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to and including the 9th day of March 1933 and the respective numbers and dates of said newspaper in which said publications was made are the following to-wit:

No. 7, 16th day of February 1933
No. 8, 23rd day of February 1933
No. 9, 2nd day of March 1933
No. 10, 9th day of March 1933

E. P. LAKEMAN,
Publisher.

Sworn to and subscribed before me, this 9th day of March 1933.
PEARL ISRAEL,
Notary Public.

By Mr. Walker:

S. 177. To authorize cities, towns and municipalities to construct, lease, purchase or otherwise acquire power lines for the transmission of electricity from any point in this State or any other state for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Committee on Municipalities and Municipal Organizations.

By Mr. Walker:

S. 178. To authorize cities, towns and municipalities operating water plants and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

Committee on Municipalities and Municipal Organizations.

By Mr. Walker:

S. 179. To authorize, counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

Committee on Municipalities and Municipal Organizations.

REPORTS OF COMMITTEES

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Darden:

S. 175. To amend Section 6771 of the Code of Alabama of 1923 as amended by an Act entitled an act to amend Section 6771 of the Code of Alabama of 1923 approved July 31, 1931, on pages 805 and 806 of the General Acts of the Legislature of Alabama, Regular Session 1931.

Mr. Craft, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Darden:

S. 174. To further provide rules and regulations of the use of the public highways of this State by pedestrians and all vehicles.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Culver:

H. 21. To further regulate the procedure in suits at law now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July 1935, wherein recovery is sought on an indebtedness secured by a mortgage and to provide for credits to be allowed on such mortgage.

Also:

By Mr. Culver:

H. 22. To further regulate the procedure in equity proceedings now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July, 1935, wherein the foreclosure of a mortgage is sought, and to provide for credits to be allowed on such mortgage.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message was severally read once and referred to appropriate standing committee as follows:

H. 21 and H. 22, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 1. To propose an amendment to the Constitution of Alabama to be known as Article XXIV in words and figures as follows:

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees, or compensation of any executive, legislative or judicial officer or any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of

this amendment, no salary, compensation, fees, or commissions paid to any officer under this State or any County or municipality thereof shall exceed the sum of six thousand dollars per annum. Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment. Provided, however, that should the Legislature adopt any other Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent Act or Acts shall control.

Any other Act of the Legislature adopted prior to October 1, 1935 decreasing or diminishing the salary, fees or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Tuesday after the expiration of three months from the final adjournment of present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election shall be the first Tuesday after the expiration of three months from the final adjournment of the present session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows:

"ARTICLE XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, compensation, fees or commissions paid

- to any officer under this State or any County or Municipality thereof, shall exceed the sum of six thousand dollars per annum. Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided, however, that should the Legislature adopt any other Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount, such subsequent Act or Acts shall control.

Any other Act of the Legislature adopted prior to October 1, 1935 decreasing or diminishing the salary, fees or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceeding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

"Article XXIV. All provisions of the Constitution which prohibit or restrict the Legislature from decreasing or diminishing the salary, fees or compensation of any executive, legislative or judicial officer or of any public officer or of any officer holding any civil office of profit under this State or any County or Municipality thereof, whether elected or appointed, during the term for which he shall have been elected or appointed are hereby suspended until October 1, 1935. Provided that from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, no salary, compensation, fees or commissions paid to any officer under this State or any County or Municipality thereof, shall exceed the sum of six thousand dollars per annum. Said limitation of \$6000.00 to be inoperative after October 1, 1935.

Any Act of the Legislature heretofore adopted decreasing or diminishing the salary, fees or compensation of any such officer or

officers, and which by its terms is to become effective after the expiration of the present term of any such officer or officers, shall, by virtue hereof, become effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment; Provided however, that should the Legislature adopt any other Act or Acts decreasing or diminishing the salary, fees or compensation of any such officer or officers during the term for which such officer or officers may have been elected or appointed in a larger amount such subsequent Act or Acts shall control.

Any other Act of the Legislature adopted prior to October 1, 1935, decreasing or diminishing the salary, fees or compensation of any such officer or officers, during the term for which such officer or officers may have been elected or appointed, shall be effective from and after the first day of the month next succeeding the date of the ratification and adoption of this amendment, or from and after the adoption by the Legislature of any such Act decreasing or diminishing the salary, fees or compensation of such officer or officers. "Yes ()" "No ()"

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all respects in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the Constitutions.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Also:

H. 140. To amend Section 1 of Act No. 363 of the Legislature of Alabama, approved July 10, 1931, and entitled "An Act to amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama approved September 10, 1927, entitled, 'An Act, to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and

266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as amended.

Also:

H. 308. To authorize and require the Board of Registrars, in all counties in this State which now or hereafter may have a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, to sit for thirty days, (not including Sundays) each year beginning on the third Monday in April, 1933, for the purpose of purging the list of voters of said counties; and to provide for the payment for said services; and to provide when this Act shall go into effect.

Also:

H. 366. To provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILL TAKEN FROM ADVERSE CALENDAR

In accordance with his written Notice given on yesterday, Mr. Hooton moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

H. 248. To amend Section 3760 of the 1923 Code of Alabama.

Which motion prevailed, and said bill was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Cowart
Craft
Darden
Delony
Duncan
Edmundson

Fletcher
Garrett
Hildreth
Hooton
Hubbard
Kelley

McDaniel
Mullins
Powell
Walker
Warren
Wikle

—24

BILLS INDEFINITELY POSTPONED

On motion of Mr. Teasley, the Senate indefinitely postponed further consideration of the bill:

H. 251. To provide for and establish a commission in each county of the State of Alabama having a population of not less than 75,000 and not more than 99,000 inhabitants, according to the last or any subsequent Federal census, to cooperate with the Commissioner of Agriculture and Industries of the State of Alabama for the encouragement of breeding and raising horses, through speed contests of horses and horse exhibitions in such counties; to prescribe the powers, duties and qualifications of such commission; to provide that such commission may authorize speed contests of horses and permit a person, corporation or association to conduct mutuel or co-operative pools; to provide for the license therefor; to provide for the payment of necessary expenses of such commission; to provide suitable stakes and purses for such speed contests; to provide for the appointment of such commission and to repeal all laws and parts of laws in conflict herewith.

BILLS ON THIRD READING

The bill:

S. 168. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal Census, that the jail matron shall ex-officio be a probation officer of such county; and shall receive no additional compensation for said services.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey

Cooper
Cowart
Craft
Darden
Delony

Duncan
Edmundson
Fletcher
Garrett
Goodwin

Hildreth
Hooton
Hubbard
Kelley
Lapsley

Lusk
McDaniel
Millsap

Mullins
Powell
Riddle

Shepherd
Teasley

Walker
Warren

—30

The bill:

S. 169. To levy in all counties of the State of Alabama having a population of more than one hundred thousand and less than three hundred thousand according to the last Federal Census for a period of three years, an excise tax on all persons, companies, agencies, corporations and associations who sell, distribute, store or withdraw from storage for any purpose whatsoever, gasoline or any other liquid motor fuels or devices or any substitutes therefor, within such counties for the purpose of constructing, supervising, and maintaining, and to such end providing funds to match Federal Aid Funds to construct and complete the Moffatt Road extending from the City of Mobile, Alabama, to the Mississippi line, being Federal Aid Project No. 210; to provide for the collection of such excise tax and the payment of the same in the County Treasury for the purpose herein provided; providing for the enforcement of this Act and fixing a penalty for the violation thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap

Mullins
Powell
Riddle
Shepherd
Walker
Warren
Wikle

—30

The bill:

S. 167. To amend an Act of the Legislature of Alabama approved September 9th, 1927, entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of probation officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected

children, providing for a commission to aid in carrying out the work of the Courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws", and which Act was amended by the Legislature of Alabama by an Act approved April 21st, 1931, entitled "An Act to amend the title and Section one of an Act entitled 'An act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties of all premiums that accrue on account of the bond of the Clerk thereof; for the transportation of probation officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts; and prescribing its duties and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent, or dependent, and providing punishment therefor;

providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of costs by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties; providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927", by amending Section Two thereof, by striking from said section the following words 'b. shall appoint all probation officers and servants of said court, except the Clerk of said Court and said Probation Officers and servants shall hold their places at the will of the Commission. All appointments shall be made subject to the approval and with the consent of the judge of said court', and by amending Section Seven thereof so as to reduce and fix the salary of the Judge of said Court, and to amend Section Eight of said Act so as to reduce the number and salaries of the Clerks and probation officers; and to provide that the probation officers shall be appointed by and hold office at the will of the sheriff of the county; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect; and to provide that if any portion, section, sub-division or part of this Act be unconstitutional it shall not affect the balance of said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lapsley	Teasley
Caffey	Fletcher	Lusk	Walker
Cooper	Garrett	McDaniel	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth		

—30

The bill:

H. 139. To amend an Act entitled, "An Act to amend Section 2377 of the Code of Alabama of 1923," Approved July 22, 1931.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Riddle
Bonner	Duncan	Lapsley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Fletcher	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Hildreth	Mullins	Wikle
Craft	Hooton		

—30

The bill:

H. 244. To amend Section Three of an Act entitled an Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Shepherd
Brown	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—30

The bill:

S. 114. To divide Winston County, Alabama, into five commissioners districts; to provide for the appointment of a commissioner for the 5th district to serve until the general election in 1934; to provide for the election of a county commissioner from each of the five districts by the qualified electors thereof, to provide that the commissioner of each of said districts shall be elected by the qualified electors of said district only; to provide that the commissioner of districts Nos. 2 and 4 shall be elected in 1936, and from districts Nos. 1, 3 and 5 shall be elected in 1934 and every four years thereafter; and for the repeal of all laws local and general in conflict herewith in so far as the same applies to Winston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lusk	Teasley
Caffey	Fletcher	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Goodwin	Mullins	Wikle
Craft	Hildreth		

—30

The bill:

H. 163. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Craft

Darden

Delony

Duncan

Fletcher

Garrett

Hildreth

Hooton

Hubbard

McDaniel

Mullins

Powell

Teasley

Warren

Wikle

—21

The bill:

H. 50. To amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill, to-wit:

Substitute for H. 50:

A BILL

To be entitled An Act to amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 8833 of the Code of Alabama be and the same is hereby amended so as to read as follows:

8833 (4755) (2724) (3019) (3442)—Priority of Lien. Such lien as to the land and buildings or improvements thereon, shall have priority over all other liens, mortgages or incumbrances created subsequent to the commencement of work on the building or improvement; and as to liens, mortgages or incumbrances created prior to the commencement of the work, the lien for such work shall have priority only against the building or improvement, the product of such work which is an entirety, separable from the land, building or improvement subject to the prior lien, mortgage or incumbrance, and which can be removed therefrom without impairing the value or security of any prior lien, mortgage or incumbrance, and the person entitled to such lien may have it enforced by a sale of such buildings or improvement under the provisions of this Article and the purchaser may, within a reasonable time thereafter, remove the same.

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Cowart
Darden
Delony
Duncan
Edmundson

Garrett
Hildreth
Hooton
Hubbard
Mullins

Powell
Riddle
Teasley
Warren
Wikle

—21

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Cowart
Darden
Delony
Duncan
Edmundson
Garrett

Hildreth
Hooton
Hubbard
Kelley
McDaniel
Millsap

Mullins
Teasley
Walker
Warren
Wikle

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 141. To authorize cities in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to construct, install, operate and maintain toll tunnels, streets and roads, together with appurtenances deemed proper for the safety or convenience thereof, or of the users thereof, either within or without, or partly within and partly without, such cities; to authorize such cities to borrow money for such purposes; to prescribe the powers, rights, privileges, duties and responsibilities of such cities in relation to such projects and in relation to the borrowing, securing and repaying of money for such projects; to authorize contracts and other instruments in relation to the foregoing matters; and to authorize counties in which such cities may be situated to join with such cities in said undertakings.

Also:

H. 255. To amend An Act entitled "An Act to amend Section 8605 of the 1923 Code of Alabama" approved February 21st, 1927.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Ware:

H. J. R. 80. WHEREAS, the present economic and financial condition of the people of Alabama is such that the trial of law suits and the entry of judgments will, no doubt, retard recovery of our people from such condition; and

WHEREAS, the Courts of the State, through their Judges, have always been considerate of the debtor and of the injury that might be done him by forcing him to trial and consequent tying up of his property and assets; and

WHEREAS, the cost of holding the courts will further depress the finances of the several counties;

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the Circuit Judges of the State of Alabama are hereby requested to give consideration to the propriety of continuing terms of their courts for such length of time as to them may seem just and fair in the face of present conditions.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives send a copy of this resolution to each Circuit Judge of the State.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDaniel, the rules were suspended and H. J. R. 80, set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 46. Relative to the adjournment of the two Houses until Tuesday, March 14, 1933, at 12:00 o'clock, Noon.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

H. 361. To define the status of fish life in the public fresh waters of Alabama; to name game and non-game fishes; to define public and private waters; to regulate the taking of fish as to manner of taking, place, size and number; to prohibit the sale of game food fishes taken from public fresh waters and the transportation of game food fishes to any place beyond the borders of the State; to regulate the use of fishing devices; to prohibit the use of game fish for fish bait; to require permits to fish in private waters; to

make a violation of any of the provisions of this Act a misdemeanor and to fix penalties therefor; to provide for non-resident trip fishing and hunting licenses; to provide when this Act shall become effective and for other purposes.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Fletcher	Mullins
Beasley	Craft	Hildreth	Powell
Bonner	Delony	Hooton	Walker
Caffey	Duncan	Hubbard	Warren
Cooper	Edmundson	McDaniel	

—19

The bill:

H. 310. To amend Sections 17, 18, 52, 55, 56, and 60 of the Municipal Bond Code, being an Act of the Legislature of Alabama, approved September 10, 1927, entitled "An Act to provide a code of Laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of Bonds of the counties and municipal corporations, and to repeal sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923 and all other laws or parts of laws in conflict with this Act," as heretofore amended.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	Teasley
Beasley	Darden	Hooton	Walker
Caffey	Delony	Hubbard	Warren
Cooper	Duncan	McDaniel	Wikle
Cowart	Garrett	Mullins	

—19

The bill:

H. 323. To amend an Act entitled "An Act to authorize game farming, to include game birds, animals and fur bearers for propagation purposes in the State of Alabama, to authorize the Commissioner of Game and Fisheries to engage in game farming to authorize the expenditure of revenue out of Game and Fish Fund therefor, to provide for the issuance of permits to accredited individuals, associations, partnerships, firms and corporations, to provide that the Commissioner of Game and Fisheries shall make regulations governing the issuance of said permits and the conduct of game farms, to provide for the cancellation of permit when terms upon which it is issued are violated, and to provide for penalties for violation of this Act, etc."

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Edmundson	McDaniel
Beasley	Craft	Hildreth	Mullins
Bonner	Darden	Hooton	Shepherd
Caffey	Delony	Hubbard	Warren
Cooper	Duncan		

—18

The bill:

S. 115. To authorize the State Auditor, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

Was taken up.

The Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend S. 115 by striking therefrom the words: "State Auditor" wherever they appear in the Caption or the bill and inserting in lieu thereof the words "State Comptroller."

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Shepherd
Beasley	Duncan	Kelley	Teasley
Caffey	Garrett	McDaniel	Walker
Cowart	Hildreth	Millsap	Wikle
Craft	Hooton	Mullins	

—19

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Mullins
Beasley	Darden	Hubbard	Powell
Bonner	Duncan	Kelley	Teasley
Caffey	Edmundson	McDaniel	Walker
Cooper	Garrett	Millsap	Wikle
Cowart	Hildreth		

—22

The bill:

S. 164. To authorize and require the Tax Collectors of the several counties of the State to accept and receipt for any moneys, ten-

dered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Mullins
Beasley	Darden	Hubbard	Powell
Bonner	Duncan	Kelley	Teasley
Caffey	Garrett	McDaniel	Walker
Cooper	Hildreth	Millsap	Wikle
Cowart			

—21

The bill:

H. 13. To provide for the distribution of appropriations for the year 1933-1934 which are apportioned by the State Board of Education according to the attendance of children in public schools.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Mullins
Beasley	Darden	Hubbard	Powell
Bonner	Duncan	Kelley	Shepherd
Caffey	Fletcher	McDaniel	Warren
Cooper	Garrett	Millsap	Wikle
Cowart	Hildreth		

—22

The bill:

H. 68. To amend Section 3109 of the Code of Alabama, 1923, relative to the time allowed for the redemption of real property.

Was taken up.

Mr. Craft offered the following amendment to said bill, to-wit:

Amend H. 68 by adding the words "of the Code of Alabama of 1923" immediately after the figures "3109" where said figures first occur after the enacting clause.

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Hubbard	Powell
Beasley	Craft	Lapsley	Shepherd
Bonner	Duncan	Lusk	Walker
Brown	Garrett	Millsap	Warren
Caffey	Hooton	Mullins	Wikle
Cooper			

—21

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Cowart
Craft
Duncan
Garrett
Hooton

Hubbard
Kelley
Lapsley
Lusk
Mullins

Powell
Shepherd
Teasley
Warren
Wikle

—21

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 50. To amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Green:

H. 374. To further regulate the insurance business in Alabama, to create an emergency insurance board and to confer additional powers on the Superintendent of Insurance of Alabama to be exercised by and with the approval of the majority of such board.

By Mr. Tate:

H. 379. To make it a felony to attempt to kidnap any person with intent to obtain money or property for the release of the person attempted to be kidnapped, and to provide a punishment therefor.

Also:

By Mr. Patterson:

H. 394. To amend an Act entitled, "An Act to Amend Section 3088 of the Code of Alabama, 1923", approved March 1, 1933.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 374, to the Committee on Banking and Insurance,

H. 379, to the Committee on Judiciary,

H. 394, to the Committee on Judiciary.

BILL INDEFINITELY POSTPONED

On motion of Mr. Shepherd, the Senate indefinitely postponed further consideration of the bill:

H. 355. To amend a Local Act of the 1923 Legislature found on page 249 of the Local Acts of 1923 and approved on September 26, 1923, said Act being: "To provide for the election of a County Treasurer of Walker County, Alabama by the qualified electors of said county to prescribe his duties and compensation," by amending Section 5 to read in substance as follows:

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Allen:

H. J. R. 82. WHEREAS, under the Ogden Bank Bill, approved March 9, 1933, authority is given by and with the approval of the State Banking Department to issue Script by employers for salaries and wages due their employees; and

WHEREAS, many employers of labor in Alabama desire to issue such Script for the convenience of their employees during the period of the banking crisis;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama, the Senate concurring, that Congress be requested to suspend all laws levying a Federal Tax on such Script for the period of the present emergency created by the banking crisis.

BE IT FURTHER RESOLVED, that a copy of this resolution, certified by the Secretary of State, be sent to the Senators and Congressmen of Alabama with the request that they take steps immediately to suspend all Federal laws taxing Script of the kind heretofore mentioned.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fletcher, H. J. R. 82, set out in the foregoing Message from the House, was concurred in and adopted under a suspension of the rules.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds

same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Eighteenth Legislative Day approved.

ADJOURNMENT

At 11:30 A. M., on motion of Mr. Mullins, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 14th, 1933 at 12: M.

NINETEENTH DAY

Tuesday, March 14th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Richard Wilkinson, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hubbard	Riddle
Beasley	Duncan	Kelley	Scruggs
Bonner	Edmundson	Lapsley	Shepherd
Brown	Faulk	Lusk	Teasley
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hildreth	Mullins	Wikle
Craft	Hooton	Powell	

—31

JOURNAL

On motion of Mr. Garrett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Mullins, leave of absence was granted Mr. Darden for today.

On motion of Mr. Walker, leave of absence was granted Mr. Fletcher for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Edmundson:

S. 180. To repeal an Act approved July 23rd, 1931, and entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal Census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirement of renewal of registration and licenses in such Counties and penalties for the violation of this Act."

Committee on Banking and Insurance.

By Mr. Teasley:

S. 181. To balance the budget of the State of Alabama; to that end and for that purpose to authorize and direct the State Comptroller, with the approval of the Governor, to adjust the salaries of all officers of the State and of all employees of the State or any agency, institution, commission or Board thereof, receiving appropriations out of the State Treasury, so that the same shall not be in excess of salaries or compensation received by said officers and employees during the month of September 1918; and to adjust the appropriations heretofore made for all State departments, agencies, institutions, commissions and boards, so that same shall not, in any year, be in excess of the annual appropriations made for said departments, agencies, institutions, commissions or boards for the fiscal year ending September 30th, 1918, except as herein provided; and to adjust the salaries of the incumbents of all offices created since September 30th, 1918, and of all employees of the State, or any agency, institution, commission and board not in the employ of the State, or any of the departments, agencies, institutions, commissions and boards, on September 30th, 1918; and to reduce all other appropriations pro rata to prevent a deficit in the State Treasury at the end of each fiscal year; to provide that this act shall become effective on the first day of the month following the adoption of the amendment to the Constitution, designated at Article XXIV thereof.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 182. To authorize the Governor to supervise and control the amount of salary, compensation, or wages paid or proposed to be paid to any person by the State, or any department, institution or agency thereof, wherever the amount of such salary, compensation or wages is not fixed by law; and to that end to authorize the Governor to require any officer, department, institution or agency of the State to make any and all necessary reports and furnish the Governor any and all information necessary for the enforcement of this Act; to issue orders reducing, revising or controlling the amount of such salaries, compensation, or wages; to provide for the enforcement of such orders and punishment for any violation thereof.

Committee on Finance and Taxation.

By Messrs. Lapsley and Lusk:

S. 183. To fix the salaries of certain officers and employees of the State or any department thereof and to provide how the same shall be paid; to provide that the salaries fixed by this Act shall be in lieu of the salaries now provided by law; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide for the effective date of this Act.

Committee on Finance and Taxation.

By Mr. Craft:

S. 184. To amend Section 28, sub-section A of the Alabama Highway Code, same having been approved August 23, 1927.

Committee on Public Roads and Highways.

REPORTS OF COMMITTEES

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bradford (Jefferson):

H. 246. Relating to sentences imposed by courts of competent jurisdiction for violation of ordinances of cities and towns in counties having a population of 300,000 or more according to the last or any subsequent federal census; and, without limiting the generality of the foregoing, to provide for the suspension of execution, the execution after suspension, and the remission of, such sentences or any part thereof.

By Mr. Green:

H. 374. To further regulate the insurance business in Alabama, to create an emergency Insurance Board and to confer additional powers on the Superintendent of Insurance of Alabama to be exercised by and with the approval of the majority of such Board.

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. West (with notice and proof):

H. 28. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

By Mr. West (with notice and proof):

H. 29. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

By Mr. Morrow (with notice and proof):

H. 34. To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama in Equity, and to regulate the payment thereof.

By Mr. Bradford (Jefferson) (with notice and proof):

H. 39. To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

By Mr. Green (with notice and proof):

H. 40. To fix the compensation or salary of the Judges of the Municipal Court of Birmingham, Alabama, and to regulate the payment thereof.

By Mr. Tate:

H. 31. To amend Section 2 of an Act entitled an Act "To provide that all Counties in this State having a Population of three hundred thousand or more according to the last or any subsequent Federal Census that the work of the Probation of Convicts shall be declared a County purpose, that the Board of Revenue, County Commission or other governing or like governing bodies of such Counties shall be authorized to expend county funds for such purpose and to further provide that such governing bodies in all such Counties shall have the power to appoint Probation officers and to fix their compensation and to pay the same out of County funds". Approved November 2, 1932.

Mr. McDaniel, acting chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Patterson:

H. 394. To amend an Act entitled "An Act to Amend Section 3088 of the Code of Alabama, 1923", approved March 1, 1933.

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker:

S. 177. To authorize cities, towns and municipalities to construct, lease purchase or other wise acquire power lines for the trans-

mission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

By Mr. Walker:

S. 178. To authorize cities, towns and municipalities operating water plants, and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

By Mr. Walker:

S. 179. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

RESOLUTIONS

Mr. Teasley offered the following joint resolution:

S. J. R. 47. Whereas all money, hoarded, whether in the custody of the owner in this State, or in another State, or in any safety deposit box, safe or vault, or elsewhere (except money on deposit in banks) is subject to ad valorem taxes under the existing laws of this State;

And, Whereas, it is common knowledge that money is now being hoarded in this State by a large number of citizens, making it thereby subject to taxation;

And, Whereas, the persons now hoarding such taxable money have generally failed to list the same in making their tax assessments to the Tax Collector:

Therefore, be and it is hereby resolved by the Senate, the House concurring, as follows:

That the Governor be requested to give public notice of the requirement to list any hoarded money for taxation; and that the State Tax Commission be directed to call this provision of the tax law to the attention of the Tax Assessor throughout the State, and take such other steps as may be found necessary to list and enforce the collection of taxes upon any such hoarded money, in accordance with the laws of the State of Alabama.

And on motion of Mr. Teasley, the rules were suspended and the resolution adopted.

Mr. Lapsley offered the following joint resolution:

S. J. R. 48. Be it Resolved by the Senate of the State of Alabama, the House concurring, as follows:

First:—That we heartily approve the prompt and courageous action taken by the President of the United States to conserve and strengthen the financial structure of our nation, and to restore the

confidence of the people in our banking institutions, and we commend Congress for its patriotic support of our Chief Executive in this crisis;

Second:—We further approve the legislation recommended by the President to permit him to effect necessary economies in the Government for the protection of the nation's credit, and request our Senators to aid in the speedy passage of the bill pending before them designed to effect this purpose;

Third:—We further appeal to the people of Alabama to demonstrate their patriotism by reestablishing confidence in all sound banks as they are permitted to resume business, to the end that our economic ills may be thoroughly healed and all legitimate business activities may be safely resumed throughout the country.

Fourth:—That a telegraphic copy of this resolution be immediately sent by the Secretary of State to the President and to each of our United States Senators.

And, on motion of Mr. Lapsley, the rules were suspended and the resolution adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 49. Be it Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Thursday, March 16th, 1933 at 10 o'clock A. M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

ORDER TO PRINT

On motion of Mr. Teasley, 500 copies of the bill:

S. 181. To balance the budget of the State of Alabama; to that end and for that purpose to authorize and direct the State Comptroller, with the approval of the Governor, to adjust the salaries of all officers of the State and of all employees of the State or any agency, institution, commission or Board thereof, receiving appropriations out of the State Treasury, so that the same shall not be in excess of salaries or compensation received by said officers and employees during the month of September 1918; and to adjust the appropriations heretofore made for all State departments, agencies, institutions, commissions and boards, so that same shall not, in any year, be in excess of the annual appropriation made for said departments, agencies, institutions commissions or boards for the fiscal year ending September 30th, 1918, except as herein provided; and to adjust the salaries of the incumbents of all offices created since September 30th, 1918, and of all employees of the State, or any agency, institution, commission and board not in the employ of the State, or any of the departments, agencies, institutions, commissions and boards, on September 30th, 1918; and to reduce all other appropriations pro rata to prevent a deficit in the State Treasury at the end of each fiscal year; to provide that this Act shall become ef-

fective on the first day of the month following the adoption of the amendment to the Constitution, designated at Article XXIV thereof.

Were ordered printed for use of the Senate.

On motion of Mr. Lusk, 500 copies of the bill:

S. 183. To fix the salaries of certain officers and employees of the State or any department thereof and to provide how the same shall be paid; to provide that the salaries fixed by this Act shall be in lieu of the salaries now provided by law; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide for the effective date of this Act.

Were ordered printed for use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Jordan (notice and proof):

H. 320. To authorize, empower and direct the Commissioners' Court of Clay County or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Alabama, to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several acts of the legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Clay County, Alabama, is sufficient to run the public schools of Clay County, Alabama, including school bus transportation for a term of eight months free school; for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Ashland, Ala., Jan. 20th, 1933.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a local bill for Clay County, Alabama, will be introduced at the approaching Special or Extraordinary Session of the

Legislature of Alabama, the substance of which local bill will be as follows.

A BILL
A BILL TO BE ENTITLED
AN ACT

To authorize, empower and direct the Commissioners' Court of Clay County, or any other like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Alabama, to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty-five (25 p. c.) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several acts of the legislature of Alabama, such appropriations to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Clay County, Alabama, is sufficient to run the public schools of Clay county, Alabama, including school bus transportation for a term of eight months free school; for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE: The Commissioners' Court of Clay County, Alabama, or similar governing body of said county, is hereby authorized, empowered and directed to appropriate twenty-five (25 p. c.) per centum of all funds derived and received now or hereafter by Clay County, Alabama, from the State of Alabama from the excise tax or any other tax on gasoline or liquid motor fuel, levied and collected by the State of Alabama for the use and benefit of the several counties of this State, or until such time as other funds received by Clay County, Alabama, shall be sufficient to run the public schools of Clay County, Alabama, free of any charge to the pupils, including transportation, eight months each scholastic year. The appropriation herein required and provided shall be paid monthly to the officer, officers or person who is legally entitled to receive and pay out public school funds. The money so appropriated shall be exclusively to teachers engaged in actual teaching in the public schools and to the operators of public school busses of said county.

SECTION TWO: At the first meeting of the Commissioners' Court, or other like governing body of Clay County, Alabama, after receipt from the State of the monthly payment to Clay County, Alabama, of the sum from such excise tax on gasoline or other liquid motor fuel, it is made mandatory on said Commissioners' Court or like governing body of said County to order warrant to be drawn on special fund in the sum of twenty-five (25 p. c.) per centum of the amount received by Clay County and it shall be the duty of the Probate Judge to draw warrant for said amount, payable to the officer, officers or person entitled to receive public school funds for Clay County, Alabama, and deliver the same to party entitled to receive such warrant.

SECTION THREE: The provisions of this Act shall go into effect on its passage and approval by the Governor. Should any section, clause or provision of this Act be declared unconstitutional by any court of competent jurisdiction, then the remaining parts shall remain in full force and effect.

SECTION FOUR: All laws, parts of laws, local or general, in conflict with the provisions of this Act are hereby expressly repealed.

J. W. JORDAN,
Representative of Clay County.

The State of Alabama, }
Clay County. }

Before me, J. B. Runyan, a Notary Public in and for said County, personally appeared B. W. Sims, who being first duly sworn, deposes and says that he is the publisher of the Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the notice of publication of a local bill to be introduced in the Legislature of Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, commencing in the issue of January 26, 1933, and ending in the issue of February 16, 1933.

B. W. SIMS,
Publisher.

Sworn to and subscribed before me, this 21st day of February, 1933.

J. B. RUNYAN,
Notary Public.

(Seal)

Also:

By Mr. Glover (of Henry) and Ward (notice and proof):

H. 369. To amend Section 1 of an Act entitled An Act, to create the office of County Road Supervisor for Henry County, Alabama, H. 536, approved November 4th, 1932.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Henry County. }

Before me, the undersigned authority in and for said County, in said State, personally appeared J. P. Mitchell, known to me to be the Editor of the Wiregrass Farmer, a newspaper published weekly in the town of Headland, Henry County, Alabama, and who being by me first duly sworn, deposes and says:

That he is Editor of the Wiregrass Farmer, a newspaper published weekly in the town of Headland, in said County, and that the following notice, to-wit:

NOTICE

Notice is hereby given that a bill will be introduced at the coming session of the Alabama Legislature as follows:

To amend Section 1 of an Act Entitled An Act, to create the office of County Road Supervisor for Henry County, Alabama, H-536 (205), Ward and Glover, approved November 4, 1932, so as to read as follows:

Section 1. That there is hereby created in and for Henry County, Alabama, the office of County Road Supervisor, which office shall be held and administered by a competent Road Builder, who shall be a qualified elector, and resident of said County, and who shall be appointed by the Governor, within thirty days after the passage and approval of this Act; that the term of office of said Road Supervisor so appointed, shall expire on Monday after the Second Tuesday in January, 1935, and when his successor is elected and qualified as hereinafter provided.

This, January 12, 1933.

was published for four consecutive weeks in said paper, commencing on the 12th day of January, 1933.

J. P. MITCHELL.

Sworn to and subscribed before me this, February, 1933.

J. B. JOHNSON,
Notary Public, Henry County, Ala.

Also:

By Mr. Tucker:

H. 362. To amend Section 132 of the Alabama School Code.
And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 320 and H. 369, to the Committee on Local Legislation.

H. 362, to the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies, or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said Randolph County hereafter issued for the refunding of any of said bonds not paid at the maturity thereof.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hooton, the Senate concurred in the following amendment by the House to S. 95, the title of which is set out in the foregoing Message from the House, to-wit:

House committee substitute for S. 95:

A BILL

To be entitled An Act to authorize and empower the Court of County Commissioners of Randolph County, Alabama to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th 1923, entitled "An Act imposing an excise tax on persons, corporations copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of public road bonds of said Randolph County heretofore issued for the purpose of constructing and maintaining roads.

Be it enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Randolph County, Alabama, be and hereby is authorized and empowered to use twenty percent of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10th, 1923, entitled, "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any of the provisions of this Act", which is to be paid to Randolph County under the provisions of Section 83 of the Acts of the Legislature of Alabama, approved August 22nd, 1923, entitled "An Act in reference to, and to further provide for the general revenue of the State of Alabama" for the purpose of paying interest on and establishing a sinking fund for the retirement of public road bonds of Randolph County, which are now outstanding and which have been heretofore issued for the purpose of constructing and maintaining public roads.

Section 2. That upon final payment of said bonds described in Section 1 of this Act, all funds received by Randolph County from

the excise tax on gasoline or other liquid motor fuels shall be used as provided by the general laws of the State of Alabama.

Section 3. That the provisions of this Act shall take effect on the first day of the month following its approval by the Governor.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Riddle
Beasley	Duncan	Kelley	Scruggs
Bonner	Edmundson	Lapsley	Shepherd
Brown	Faulk	Lusk	Teasley
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hildreth	Mullins	Wikle
Craft	Hooton	Powell	

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 13. To provide for the distribution of appropriations for the year 1933-1934 which are apportioned by the State Board of Education according to the attendance of children in public schools.

Also:

H. 50. To amend Section 8833 of the Code of Alabama of 1923 relating to liens of mechanics and materialmen.

Also:

H. 139. To amend an Act entitled, "An Act to amend Section 2377 of the Code of Alabama of 1923," Approved July 22, 1931.

Also:

H. 141. To authorize cities in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have such population according to any federal census hereafter taken, to construct, install, operate and maintain toll tunnels, streets and roads, together with appurtenances deemed proper for the safety or convenience thereof, or of the users thereof, either within or without, or partly within and partly without, such cities; to authorize such cities to borrow money for such purposes; to prescribe the powers, rights, privileges, duties and responsibilities of such cities in relation to such projects and in relation to the borrowing, securing and repaying of money for such projects; to authorize contracts and other instruments in relation to the foregoing matters; and to authorize counties in which such cities may be situated to join with such cities in said undertakings.

Also:

H. 163. To prohibit the diversion, misappropriation, misappli-

cation or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

Also:

H. 244. To amend Section Three of an Act entitled an Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923.

Also:

H. 255. To amend an Act entitled "An Act to amend Section 8605 of the 1923 Code of Alabama" approved February 21st, 1927.

Also:

H. 310. To amend Sections 17, 18, 52, 55, 56, and 60 of the Municipal Bond Code, being an act of the Legislature of Alabama, approved September 10, 1927, entitled "An Act to provide a code of Laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of Bonds of the counties and municipal corporations, and to repeal sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

Also:

H. 323. To amend an Act entitled "An Act to authorize game farming, to include game birds, animals and fur bearers for propagation purposes in the State of Alabama, to authorize the Commissioner of Game and Fisheries to engage in game farming to authorize the expenditure of revenue out of Game and Fish Fund therefor, to provide for the issuance of permits to accredited individuals, associations, partnerships, firms and corporations, to provide that the Commissioner of Game and Fisheries shall make regulations governing the issuance of aid permits and the conduct of game farms, to provide for the cancellation of permit when terms upon which it is issued are violated, and to provide for penalties for violation of this Act, etc."

Also:

H. 361. To define the status of fish life in the public fresh waters of Alabama; to name game and non-game fishes; to define public and private waters; to regulate the taking of fish as to manner of taking, place, size and number; to prohibit the sale of game food fishes taken from public fresh waters and the transportation of game food fishes to any place beyond the borders of the State; to regulate the use of fishing devices; to prohibit the use of game fish for fish bait; to require permits to fish in private waters; to make a violation of any of the provisions of this Act a misdemeanor and to fix penalties therefor; to provide for non-resident trip fishing

and hunting licenses; to provide when this Act shall become effective, and for other purposes.

Also:

H. J. R. 80. To request that the Judges of the State of Alabama give consideration to the propriety of continuing terms of their courts in face of present conditions.

Also:

H. J. R. 82. To request Congress to suspend all laws levying a Federal Tax on Script for the period of the present emergency created by the banking crisis.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 68. To amend Section 3109 of the Code of Alabama, 1923, relative to the time allowed for the redemption of real property.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 47. Relative to hoarded money and requesting the Governor to give notice to the public and directing the State Tax Commission to call attention of the Tax Assessors to the fact that such money is subject to taxation.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 48. Approving prompt and courageous action taken

by the President of the United States to conserve and strengthen the financial structure of our nation.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 49. Relative to the adjournment of the two Houses until Thursday, March 16, 1933, at 10:00 o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 166. To make further provision with respect to the affairs of Banks or Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

J. H. Stewart,
Clerk.

BILL INDEFINITELY POSTPONED

On motion of Mr. Powell, the Senate indefinitely postponed further consideration of the bill:

H. 248. To amend Section 3760 of the 1923 Code of Alabama.

Yeas, 21; nays, 9.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Delony
Duncan
EdmundsonFaulk
Garrett
Goodwin
Kelley
LapsleyLusk
Millsap
Mullins
Powell
RiddleScruggs
Shepherd
Teasley
Walker
Warren

—21

Nays:

Messrs.:

Bonner
Brown
CooperCraft
HildrethHooton
HubbardMcDaniel
Wikle

— 9

BILLS ON THIRD READING

The bill:

S. 147. To authorize, empower, and direct the Alabama State Bridge Corporation to issue annual passes to all physicians, to be used only when on professional calls; to all State and County officers, to be used only when on official business for the State or County; and to all soldiers or sailors, or other persons in the Military or Naval forces, when reporting to or returning from drill or encampment, or other military duties; said passes to permit said persons to cross over any or all of the toll bridges owned or controlled by the said Alabama State Bridge Corporation; and to prescribe the maximum charges to such physicians and/or officers and/or soldiers or sailors for issuing said passes; to prescribe the method and manner of issuing the same and to fix penalties for the fraudulent use of such passes.

Was taken up.

Mr. Scruggs offered the following amendment to said bill, to-wit:

Amend the title to S. 147 as follows: Add immediately following the words "to be used only when on professional calls" wherever they appear together in the title of said bill the following words: "Funeral processions, including hearses, going to or returning from any funeral"

Amend the bill by adding thereto Section 1½ in words and figures as follows: "Section 1½. The Alabama State Bridge Corporation shall allow to pass over any toll bridge owned by it any and all persons actually in a funeral procession, either going to or returning from such a funeral, and also any and all hearses going to or returning from a funeral without any charge or charges to such persons or the vehicle or vehicles so used and such hearse when so going to or returning from such funeral.

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Scruggs	
Beasley	Edmundson	Lapsley	Shepherd	
Brown	Faulk	Lusk	Teasley	
Caffey	Garrett	Millsap	Walker	
Craft	Hildreth	Mullins	Wikle	
Delony	Hubbard	Riddle		—23

Nay:—Mr. Cowart.

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Millsap	
Beasley	Duncan	Hooton	Mullins	
Bonner	Edmundson	Hubbard	Riddle	
Brown	Faulk	Kelley	Scruggs	
Caffey	Garrett	Lapsley	Shepherd	
Craft	Goodwin	Lusk	Wikle	—24

Nay:—Mr. Cowart.

— 1

REPORT OF SECRETARY

Mr. President:

In accordance with Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills and Senate joint resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 3. To provide for the disposition of all money paid into the County Treasury (or to the County Treasurer), or paid into the **County Depository** of Limestone County, Alabama, as proceeds of the excise tax of one cent per gallon levied on all gasoline and other motor fuel, under the terms and provisions of H. 1204 (Act No. 743) of the Legislature of Alabama of 1931, approved July 27, 1931.

Delivered to the Governor February 14, 1933, at 12:40 P. M.

S. J. R. 19. Extending thanks and appreciation to Honorable Franklin Delano Roosevelt for his recent visit to Alabama and for all he did and said while here.

Delivered to the Governor February 14, 1933, at 12:40 P. M.

S. J. R. 21. Creating a joint committee of three from the Senate and five from the House to make a full and complete investigation of all matters relating to school text books in Alabama.

Delivered to the Governor February 14, 1933, at 12:40 P. M.

S. J. R. 24. Urging the appointment by Honorable Franklin D. Roosevelt, President-Elect, of Hon. Henry B. Steagall as Secretary of the Treasury.

Delivered to the Governor February 16, 1933, at 10:30 A. M.

S. 17. To amend Section 373 of the Code of Alabama of 1923. Delivered to the Governor February 21, 1933, at 3:30 P. M.

S. 72. "To amend Section 2006 of the Code of Alabama of 1923." Delivered to the Governor February 21, 1933, at 3:30 P. M.

S. 75. To provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House, after adjournment, for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the state printer, Providing for an information bureau for the members of the Legislature, and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives, after adjournment, and to repeal An Act "To amend Section 1530 of the Code of Alabama of 1923," Approved January 27, 1927, also the Act "To authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate," Approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith.

Delivered to the Governor March 2, 1933, at 10:20 A. M.

S. 123. To require the payment of all fees collected for the rendition of official services by any officer of Jefferson County, who is compensated by a salary to be paid into the County Treasury to the credit of the general fund, except such fees as may now, by law, be required to be paid into the State Treasury.

Delivered to the Governor March 2, 1933, at 4:20 P. M.

S. J. R. 33. Ratifying the action of the Governor of Alabama in declaring a bank holiday in Alabama.

Delivered to the Governor March 2, 1933, at 4:20 P. M.

S. 70. To amend Section 130 of the Alabama School Code as amended by an Act entitled, "An Act to amend Section 130 of the School Code of Alabama", approved November 6, 1932.

Delivered to the Governor March 2, 1933, at 4:20 P. M.

S. 71. To provide, in counties having a population of more than 200,000, according to the last or any subsequent Federal census, for the rendition of legal services to the county and to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff; to authorize Boards of Revenue, County Commissions, or other governing bodies of the county in such counties, to employ an attorney or attorneys to defend all suits

brought against the county, and against all county officers, including the Superintendent of Education and the Board of Education, except the Sheriff, arising out of their duties as such officers; to prosecute all suits for the county at the request of its governing body, to act in an advisory capacity to all county officers including the Superintendent of Education and the Board of Education, except the Sheriff, and, when requested in writing, to render opinions on all matters involving the operations of such officers, which written opinion of such attorney, when secured by a county officer legally entitled to secure such an opinion, shall protect such officer to whom it is directed from liability to either the State, County or other municipal authority or sub-division of the State, because of any official act or acts performed as directed or advised in such opinion; to contract with such attorney or attorneys for a reasonable compensation for services rendered, or to be rendered, by him or them within the provisions of this Act, and to pay such compensation out of the County Treasury; and to repeal the Act approved August 11th, 1927, and entitled "An Act to create the office of County Attorney in all Counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix the term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal," as amended by the Act approved July 17th, 1931, and entitled "An Act to amend an Act approved August 11th 1927, entitled 'An Act to create the office of County Attorney in all counties in this State having a population of 200,000 or more, according to the last or any subsequent Federal census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof, and the method of their removal.'"

Delivered to the Governor March 2, 1933, at 4:20 P. M.

S. 139. To permit and allow the County Board of Education of Chambers County, Alabama, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers and other employes of the Board, and to pay the current expenses of said County Schools, when the Current Funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, as it may be construed or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board.

Delivered to the Governor March 8, 1933, at 10:35 A. M.

S. 158. To confer additional powers upon the Superintendent of Banks and the Banking Board.

Delivered to the Governor March 8, 1933, at 4:20 P. M.

S. 107. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred fifteen thousand according to the last preceding United States census or any succeeding United States census.

Delivered to the Governor March 9, 1933, at 10:25 A. M.

S. 121. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue.

Delivered to the Governor March 9, 1933, at 10:25 A. M.

S. 122. Further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment, purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises.

Delivered to the Governor March 9, 1933, at 10:25 A. M.

S. J. R. 38. Requesting United States Senator Vandenberg and Congressman Henry B. Steagall, to address the Governor and both Houses of the Legislature on protecting time deposits of the depositors of the people of the nation.

Delivered to the Governor March 9, 1933, at 10:25 A. M.

SECRETARY'S REPORT

The foregoing Report of the Secretary was read and, on motion of Mr. McDaniel, said report was concurred in and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Nineteenth Legislative Day approved.

ADJOURNMENT

At 1:10 P. M., on motion of Mr. Garrett and pursuant to joint resolution heretofore adopted, the Senate adjourned until Thursday, March 16th, 1933, at 10:00 A. M.

TWENTIETH DAY

Thursday, March 16th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. J. S. Rhinehart, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth
Hubbard

Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—30

JOURNAL

On motion of Mr. Bartlett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Powell:

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

Committee on Education.

By Mr. Craft:

S. 186. To amend Section 2134 (1319) of the Alabama Code of 1923.

Committee on Finance and Taxation.

By Mr. Craft:

S. 187. To amend Section 2125 (1312) of the Alabama Code of 1923.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

H. 279. To repeal an Act "To provide for establishing, constructing and maintaining public roads and bridges in counties now having, according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission, and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and to provide their compensation," approved February 16, 1931.

By Mr. Glover (of Henry) and Ward (with notice and proof):

H. 369. To amend Section 1 of an Act Entitled an Act, to create the office of County Road Supervisor for Henry County, Alabama H-536, approved November 4th, 1932.

By Mr. Sossaman (with notice and proof):

H. 95. To reduce and fix the compensation of the Deputy Register of the Circuit Court of Mobile County, Alabama.

By Mr. Sossaman (with notice and proof):

H. 104. To permit but not require the County of Mobile to participate in the operation and maintenance of the City Hospital of the City of Mobile, and to permit the County of Mobile and the City of Mobile to make whatever contracts each of said bodies shall deem expedient for the maintenance of said institution; and to repeal all laws or parts of laws in conflict herewith.

By Mr. Sossaman (with notice and proof):

H. 96. To reduce and fix the salaries of the three deputy clerks of the Circuit Court of Mobile County.

By Mr. St. John:

H. 282. To repeal an Act "To amend Section 1 of an Act entitled An Act to provide for establishing, constructing and main-

taining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and provide their compensation. Approved the 16th day of February, 1931."

By Mr. St. John (with notice and proof):

H. 295. To provide for the establishing, construction and maintaining of public roads, culverts and bridges in Cullman County, Alabama; creating a Highway Commission for said county and defining its powers, jurisdiction and duties; providing for the appointment and election and term of office of its members, prescribing the qualifications for the members thereof, and providing for their compensation.

By Mr. St. John (with notice and proof):

H. 294. To repeal an Act to provide for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a highway commission for said County, and defining its powers, jurisdiction and duties.

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tucker:

H. 362. To amend Section 132 of the Alabama School Code.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Christopher:

H. 162. To establish, designate and declare as a State Trunk Road number 200, and as a part of the Primary System of Highways of Alabama a certain road to begin at the boundary line between Alabama and Mississippi at or near Frost Bridge—near Isney, Alabama, and extending in an easterly direction through or near Isney, Bolinger, Silas, Bladon Springs, Coffeerville and Grove Hill, Alabama, following the route of the recent survey made by the State Highway Department of a route to Frost Bridge, and to connect with the State Trunk Road number 61 at or near Claiborne Landing on the Alabama River, and to provide for its location, construction and maintenance.

ADVERSE REPORTS

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit: By Mr. Ware (with substitute):

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by state funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or acts.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Craft:

S. 149. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and the bridge and all other property owned by Mobile Bay Bridge Company, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

By Mr. Scruggs:

S. 19. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and to provide for the elasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

RESOLUTION

Mr. Hildreth offered the following joint resolution:

S. J. R. 50. Be It Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, March 17th, 1933 at 10: o'clock A. M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills and Senate joint resolutions with the engrossed and original bills and Senate joint resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama to use **twenty percent** from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", **which is to be paid** to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of public road bonds of said Randolph County heretofore issued for the purpose of constructing and maintaining roads.

S. 166. To make further provision with respect to the affairs of Banks and Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

S. J. R. 48. Approving prompt and courageous action taken by the President of the United States to conserve and strengthen the financial structure of our nation.

S. J. R. 47. Requesting the Governor to give public notice of the requirement to list hoarded money for taxation.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions; the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Kelly of Talladega:

H. 385. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee, as follows:

H. 385, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

And returns same herewith to the Senate:

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mullins, the Senate non-concurred in the following amendment by the House to S. 148, the title of which is set out in the foregoing Message from the House, to-wit:

Substitute for Senate bill No. 148, by Mr. Sossaman:

A BILL

To be entitled An Act to provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected; the pay, and the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in his County, and to provide that each voter shall cast his ballot for or against repeal of the 18th Amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That a convention is hereby called to convene in the hall of the House of Representatives at the Capitol of this State, at noon, three weeks after the first Tuesday after the expiration of three months after the final adjournment of this session of the Legislature, for the purpose of ratifying or rejecting the proposed 21st amendment to the Constitution of the United States.

Section 2. That the convention herein provided for shall be composed of 106 delegates, who shall be elected from the following area and in the following manner: There shall be as many delegates from each county in the State as such county is now entitled to members of the House of Representatives of the Legislature of

Alabama, to be elected by the qualified electors in such county in the manner hereinafter provided.

Section 3. That on the first Tuesday after the expiration of three months from the final adjournment of this session of the Legislature an election shall be held in the several counties of the State for the purpose of electing delegates to such convention, which election, in all respects, shall be conducted in the same manner, returns made, canvassed and results declared as elections for members of the House of Representatives of the Legislature are now conducted.

Section 4. The ballot shall be prepared and printed in all respects as are ballots prepared and printed for general elections in the counties of this State, and shall be paid for in like manner as ballots for such general elections are now paid. The candidates for membership in the convention shall be listed on such ballots in alphabetical order in each county. At the top of the ticket containing a list of candidates for membership in the convention, there shall appear, properly arranged, for the voter to indicate his choice, the words, "For Repeal," and underneath that, "Against Repeal." It shall be necessary for the voter to indicate his choice, that is, whether he desires repeal, or no repeal, of the 18th amendment to the United States Constitution. Unless such voter shall indicate his choice on this question, his ballot for delegates to the convention shall not be counted, but shall be null and void. The candidates receiving the highest number of votes in the county in which they are candidates for the convention shall be declared elected, and the results of the election shall be canvassed and declared by the same officers and in the same manner as now provided by law for canvassing votes and declaring results thereof for general elections in this State.

Section 5. Officers for holding such election in each county shall be designated in the manner provided by law for the conduct of general elections, and the compensation to such election officers shall be the same and paid in like manner, as now provided by general law.

Section 6. Any person desiring to become a candidate for membership in the convention shall file the following statement, under oath, with the Judge of Probate in the County in which he is a candidate:

"I, _____, do hereby solemnly pledge myself, in the event of my election to a convention to be held in Montgomery for the purpose of considering the ratification or rejection of the proposed 21st amendment to the Constitution of the United States, to abide by the result of the referendum in the State on the question of repeal, or no repeal; and should a majority of the voters casting their ballot for or against such repeal be for repeal, then I pledge

myself to vote for repeal in the convention, but should a majority of the votes cast in said election be against repeal, then I pledge myself to vote against repeal, of the 18th amendment to the United States Constitution. I further promise and pledge to comply with all laws governing general elections in the State of Alabama in the conduct of the campaign in which I shall seek election."

"Sworn to and subscribed before me this the _____ day of _____, 1933."

The Judge of Probate shall keep said affidavit as a permanent file in his office. The candidate elected from each county shall be required to support in the convention the position declared by a majority of those casting ballots in the election herein ordered for or against repeal in the State; and if a majority of such ballots be cast against repeal, then the elected delegate will be required to support no repeal, but if a majority be in favor of repeal, the elected delegate shall support repeal.

Section 7. All delegates elected to the convention shall take the oath of office prescribed by law for officers of the State of Alabama. The convention shall determine its own rules, shall keep such journal as it may determine, and shall record its votes by yea and nay.

Section 8. Immediately after the adjournment of said convention, the proper officers shall certify, under their official signatures, the action of said convention relative to the ratification or rejection of said amendment to the Secretary of State of Alabama, who shall, in turn, certify the same to the Secretary of State of the United States of America.

Section 9. All laws and parts of laws in conflict with this act are hereby repealed; and if any section or provision of this act is held invalid because unconstitutional, the same shall not affect the other portions of this act.

And requests a Committee of Conference.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin
Hildreth

Hubbard
Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Wikle

—28

Thereupon the President of the Senate appointed as a committee on part of the Senate, Messrs. Mullins, Beasley and Lusk.

NOTICE

Mr. Lapsley gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative Day, after the Call of Standing Committees, I will move to take from the Adverse Calendar, have the same read a second time and placed on the Regular Calendar, the bill:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

J. W. Lapsley"

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 68. To amend Section 3109 of the Code of Alabama, 1923, relative to the time allowed for the redemption of real property.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

And the Speaker has named as conferees on part of the House, Messrs. Sossaman, Bradford of Cherokee and Goodwyn.

J. H. Stewart,
Clerk.

BILL INDEFINITELY POSTPONED

The bill:

S. 174. To further provide rules and regulations of the use of the public highways of this State by pedestrians and all vehicles.

Was taken up.

Mr. Garrett moved that further consideration of said bill be indefinitely postponed.

Mr. Darden moved to table the motion to indefinitely postpone, which motion was lost.

Yeas, 8; nays, 20.

Yeas:

Messrs.:

Bonner
Coward

Darden
Delony

Duncan
Hubbard

Powell
Wikle

—8

Nays:

Messrs.:

Bartlett
Beasley
Caffey
Cooper
Craft

Edmundson
Garrett
Goodwin
Hildreth
Kelley

Lapsley
Lusk
McDaniel
Millsap
Mullins

Riddle
Scruggs
Shepherd
Teasley
Warren

—20

And the motion of Mr. Garrett to indefinitely postpone said bill then prevailed, and said bill was so postponed.

BILLS ON THIRD READING

The bill:

S. 175. To amend Section 6771 of the Code of Alabama of 1923 as amended by an Act entitled an Act to amend Section 6771 of the Code of Alabama of 1923 approved July 31, 1931, on pages 805 and 806 of the General Acts of the Legislature of Alabama, Regular Session 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward

Craft
Darden
Duncan
Edmundson
Faulk
Garrett

Goodwin
Hildreth
Hubbard
Kelley
Lusk
Mullins

Powell
Scruggs
Shepherd
Walker
Warren
Wikle

—24

The bill:

H. 246. Relating to sentences imposed by courts of competent jurisdiction for violation of ordinances of cities and towns in coun-

ties having a population of 300,000 or more according to the last or any subsequent federal census; and, without limiting the generality of the foregoing, to provide for the suspension of execution, the execution after suspension, and the remission of, such sentences or any part thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Garrett	Millsap	Walker
Cowart	Goodwin	Mullins	Warren
Craft	Hildreth	Powell	Wikle
Darden	Hubbard		

—30

The bill:

H. 374. To further regulate the insurance business in Alabama, to create an emergency Insurance Board and to confer additional powers on the Superintendent of Insurance of Alabama to be exercised by and with the approval of the majority of such Board.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Lusk	Scruggs
Beasley	Duncan	McDaniel	Shepherd
Caffey	Edmundson	Millsap	Teasley
Cooper	Garrett	Mullins	Walker
Cowart	Hubbard	Powell	Warren
Craft	Kelley	Riddle	Wikle
Darden			

—25

The bill:

H. 394. To amend an Act entitled, "An Act to amend Section 3088 of the Code of Alabama, 1923", approved March 1, 1933.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Kelley	Scruggs
Beasley	Delony	Lusk	Shepherd
Bonner	Duncan	McDaniel	Teasley
Caffey	Garrett	Mullins	Walker
Cowart	Hildreth	Powell	Warren
Craft	Hubbard	Riddle	Wikle

—24

The bills:

S. 177. To authorize cities, towns and municipalities to construct, lease purchase or otherwise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Also:

S. 178. To authorize cities, towns and municipalities operating water plants, and/or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

Also:

S. 179. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

Were taken up.

Mr. Garrett moved that further consideration of said bills be postponed until the 23rd Legislative Day and that 500 copies of each be printed for use of the Senate.

Mr. Walker moved to lay the motion on the table, which motion prevailed and the motion to postpone was laid on the table.

Yeas, 15; nays, 14.

Yeas:

Messrs.:

Bartlett
Caffey
Cowart
Craft

Darden
Delony
Duncan
Faulk

Goodwin
Millsap
Riddle
Scruggs

Shepherd
Walker
Warren

—15

Nays:

Messrs.:

Beasley
Bonner
Cooper
Garrett

Hildreth
Hubbard
Kelley
Lapsley

Lusk
McDaniel
Mullins

Powell
Teasley
Wikle

—14

Mr. Teasley moved to postpone further consideration of said bills until the 22nd Legislative Day and that 500 copies of each be printed for use of the Senate, which motion prevailed and said bills were so postponed and the Secretary directed to have 500 copies of each printed for use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 50. Relative to the adjournment of the two Houses until Friday, March 17, 1933, at ten o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twentieth Legislative Day approved.

ADJOURNMENT

At 11:30 A. M., on motion of Mr. Hildreth and pursuant to joint resolution heretofore adopted, the Senate adjourned until tomorrow, March the 17th, 1933, at 10:00 A. M.

TWENTY-FIRST DAY

Friday, March 17th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. T. C. Cassiday, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Garrett
Goodwin
Hildreth
Hooton
Hubbard

Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Kelley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Teasley:

S. 188. To prevent the fraudulent sale of meats and meat products as "Kosher" and fix the penalty for violation of this Act.

Committee on Public Health.

By Mr. Craft:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay to all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

Committee on Finance and Taxation.

By Mr. Craft:

S. 190. To fix the legal contract rate of interest on loans not exceeding \$50.00 where no security is given.

Committee on Finance and Taxation.

By Mr. Craft:

S. 191. To confer upon the Alabama Public Service Commission exclusive jurisdiction, supervision and authority over the rates and charges, with full power to regulate, supervise and control said rates and charges, of all licensed warehousing companies, all cotton compressing companies, all cotton warehousing companies and all cotton compressing and warehousing companies, including cotton compresses and cotton warehouses operated by the State Docks Commission, operating or doing business for hire in this State, which are declared to be public utilities, either as a person, firm or corporation, and to define the powers and duties of said commission, but nothing herein shall be construed as a regulation of or interfering with Interstate Commerce.

Committee on Judiciary.

By Mr. Craft:

S. 192. To amend Sections 14 and 18 of an act of the legislature of Alabama approved January 17, 1927, entitled, "An Act to give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State 'When authorized by appropriate laws passed by the legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or sea-ports within the State or its jurisdiction at a cost not exceeding ten million dollars'; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, construct-

ing, maintaining and operating all harbors, or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the state in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said commission under the authority of this act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this act; to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency, to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this act, and expressly repealing the following Sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive."

Committee on Judiciary.

By Mr. Powell:

S. 193. To provide for the rate of exchange to be charged by Banks in the State of Alabama:

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley (with substitute):

S. 161. To authorize and provide a fund to be known as the State Security Fund, which is to be held by the State Treasurer for the purpose of protecting the state and the several counties of the state and all Departments, Agencies, Institutions, Boards and Commissions of the state and the several counties of the state from loss on account of the Act of any officers, agents and employees of the state and the several counties of the state and all departments, agencies, institutions, boards and commissions of the state and the several counties of the state as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a certificate of indemnity payable out of said security fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respect be governed by Chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this act shall be under the State Comptroller; to provide for the expense of administration of this Act.

By Mr. Lapsley and Mr. Lusk (with substitute):

S. 183. To fix the salaries of certain officers and employees of the State or any department thereof and to provide how the same shall be paid; to provide that the salaries fixed by this Act shall be in lieu of the salaries now provided by law; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide for the effective date of this Act.

By Mr. Norman:

H. 289. To regulate the use of State owned Motor propelled vehicles and motor propelled vehicles owned by any institution supported wholly or in part by State funds; and motor propelled vehicles for which the motor fuel or tag is furnished by the State or any institution supported wholly or in part by State funds.

By Mr. McGowin:

H. 6. To provide that the maximum amount allowable to persons traveling in the service of the State of Alabama or any of its

agencies or institutions for expenses other than actual expense of transportation shall be \$3.00 per diem.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Granade (with notice and proof) (with amendment):

H. 78. To reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

By Mr. Granade (with amendment):

H. 274. To fix the amount of the salary or compensation of the county treasurer of any county in the State having a population of not less than ninety thousand nor more than one hundred and eighty thousand, according to the last or any succeeding Federal Census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this Act.

By Mr. Granade (with amendment):

H. 71. To amend Section Three of an act of the Legislature of Alabama passed over the Governor's veto June 16th, 1931, entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond and compensation of such Deputy County Treasurers," so as to reduce the compensation of said official to \$1500.00 per year.

By Mr. Granade (with notice and proof) (with amendment):

H. 81. To reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

By Mr. Granade (with amendment) (with notice and proof):

H. 80. To reduce and fix the salary of the clerk to the Jury Board of Mobile County.

By Mr. Granade (with notice and proof):

H. 72. To reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when this Act shall go into effect.

By Mr. Sossaman (with notice and proof) (with amendment):

H. 98. To fix the compensation of members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of said County; and to provide for the payment of such compensation; and to repeal all laws in conflict herewith; and to provide when this act shall go into effect.

By Mr. Sossaman (with notice and proof) (with amendment):

H. 102. To prohibit the Board of Revenue and Road Commis-

sioners of Mobile County, the Treasurer of Mobile County and all other agencies of Mobile County from employing any legal advisor or attorney at the expense of the County.

By Mr. Sossaman (with notice and proof) (with substitute):

H. 94. To prohibit the Board of School Commissioners of Mobile County from employing any legal advisor or attorney at the expense of said Commission or payable out of the funds of said Commission.

By Mr. Sossaman (with notice and proof):

H. 103. To reduce and fix the salary of the first Deputy Clerk of the Inferior Criminal Court in Mobile County.

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edmundson:

S. 180. To repeal an Act approved July 23rd, 1931, and entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal Census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirement of renewal of registration and licenses in such Counties and penalties for the violation of this Act."

Mr. Hubbard, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

Mr. Riddle, chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Cowart (with notice and proof):

S. 176. To alter and rearrange the boundary line between Winston and Marion Counties.

LEAVES OF ABSENCE

On motion of Mr. Hildreth, leave of absence was granted Mr. McDowell for today.

On motion of Mr. Delony, leave of absence was granted Mr. Cowart for today.

On motion of Mr. Hubbard, leave of absence was granted Mr. Faulk for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Wallace:

H. 365. To provide for the acceptance of warrants issued to any person for services as a teacher or bus driver driving school buses in payment of taxes now or hereafter due, and to provide for the cancelling of such warrants and the paying back to the holder thereof of any balance due.

Also:

H. 383. To provide, in all cities in the State of Alabama having a population of not less than 68,000 and not more than 150,000, according to the last or any subsequent Federal census, additional monies for special funds, known as "Policemen's and Firemen's Pension and Relief Funds", as now or hereafter may be provided for by "An Act to create in all cities in the State of Alabama, having a population of not less than 50,000 nor more than 150,000, according to the last or any subsequent Federal census, special funds to be known as 'Policemen's and Firemen's Pension and Relief Funds', to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for Pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police or Fire Departments in said cities during their disability, and for the retirement of such members on pension, either

by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriations for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona-fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision", approved September 7, 1923.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 365, to the Committee on Finance and Taxation.

H. 383, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goode:

H. 125. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to authorize the issue by the State of Certificates of Indebtedness for the sole purpose of funding the operating deficit of the State represented by State Warrants regularly issued, outstanding and unpaid, on September 30, 1932, the items to be funded to be not in excess of \$15,000,000.00, the certificates to be issued in exchange for the items to be funded; to define certain characteristics of said certificates and script for fractional amounts to be issued against same and certain rights and privileges appurtenant to same; also certain powers of the Legislature with reference to said funding operation and said certificates and script with reference to aiding the negotiation of such certificates for the benefit of school boards, and State Departments, agencies, and institutions which may become entitled to any of said certificates; also to approve and ratify any funding Act of 1933 enacted at the special session of the Legislature which convened January 31, 1933, relating to said certificates.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, and an election is hereby ordered to be held by the qualified electors of the State of Alabama upon the proposed amendment, and the day appointed for such election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, to-wit:

"ARTICLE OF AMENDMENT

For the sole purpose of funding the operating deficit of the State government and State agencies and institutions outstanding, unpaid and unprovided for on September 30th, 1932, represented by State warrants regularly issued and outstanding, and subject to such further limitation and restriction of the items to be funded or the aggregate amount thereof as the Legislature may prescribe, or may have prescribed, the State is authorized to issue, in exchange for the items to be funded, certificates of indebtedness in a principal amount not to exceed \$15,000,000.00, also script representing fractional items, such script to be issued against certificates to be deposited with the State Treasurer for their account; said certificates and script to be issued in such denominations, with such numbers, and maturing at such time, not later than October 1st, 1966, as may be provided by law. Such certificates shall bear a rate of interest not greater than five (5) per centum per annum, payable semi-annually, and shall be issued only in exchange for the items to be funded, on a par basis; except that the Legislature may provide, in aid of the negotiation of said certificates for the benefit of school boards or state departments, agencies and institutions which may become entitled to the same, for loans to be secured by said certificates, provided no such loans shall involve any obligation of the State the principal or interest of which shall mature in amounts in excess of the maturities of principal and interest represented by the certificates pledged. All certificates shall be issued as nearly as practicable so as to allot average dates of maturity to the holders of the items to be funded, except that certificates representing script shall be allotted the earliest maturities, and certificates to be used in securing loans for the benefit of said school boards, departments, agencies, and institutions may be assigned such maturities as may correspond with the requirements of the loans.

Any funding Act enacted at the special session of the Legislature, which convened January 31, 1933, making provisions relating to the issue of such certificates, to the extent consistent herewith, is hereby approved and ratified, and shall be deemed to be supplemental hereto, subject to amendment thereof by the Legislature within the limitations of this amendment.

Such certificates, when issued, shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such certificates shall be exempt forever from all taxes of every kind. To create a fund for the prompt and faithful payment of the principal and interest on said certificates, the Legislature shall make special provisions as provided by or equivalent to the provisions of any funding Act enacted by the Legislature before the approval hereof with reference to the same.

Section 2. Notice of the election hereby ordered, together with the amendment to be proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County of the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. In the election hereby ordered, to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama"?

"ARTICLE OF AMENDMENT

For the sole purpose of funding the operating deficit of the State government and State agencies and institutions outstanding, unpaid and unprovided for on September 30th, 1932, represented by State warrants regularly issued and outstanding, and subject to such further limitation and restriction of the items to be funded or the aggregate amount thereof as the Legislature may prescribe, or may have prescribed, the State is authorized to issue, in exchange for the items to be funded, certificates of indebtedness in a principal amount not exceeding \$15,000,000.00, also script representing fractional items, such script to be issued against certificates to be deposited with the State Treasury for their account; said certificates and script to be issued in such denominations, with such numbers, and maturing at such time, not later than October 1st, 1966, as may be provided by law. Such certificates shall bear a rate of interest not greater than five (5) per centum per annum, payable semi-annually, and shall be issued only in exchange for the items to be funded, on a par basis; except that the Legislature may provide, in aid of the negotiation of said certificates for the benefit of school boards or State departments, agencies and institutions which may become entitled to the same, for loans to be secured by said certificates, provided no such loans shall involve any obligation of the State the principal or interest of which shall mature in amounts in excess of the maturities of principal and interest represented by the certificates pledged. All certificates shall be issued as nearly as practicable so as to allot average dates of maturity to the holders of the items to be funded, except that certificates representing script shall be allotted the earliest maturities, and certificates to be used

in securing loans for the benefit of said school boards, departments, agencies, and institutions may be assigned such maturities as may correspond with the requirements of the loans.

And funding Act enacted at the special session of the legislature, which convened January 31, 1933, making provisions relating to the issue of such certificates, to the extent consistent herewith, is hereby approved and ratified, and shall be deemed to be supplemental hereto, subject to amendment thereof by the Legislature within the limitations of this amendment.

Such certificates, when issued, shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such certificates shall be exempt forever from all taxes of every kind. To create a fund for the prompt and faithful payment of the principal and interest on said certificates, the Legislature shall make special provision as provided by or equivalent to the provisions of any funding Act enacted by the Legislature before the approval hereof with reference to same.

(Yes-----) (No-----)

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner, and by the same appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law covering General Elections and the Constitutional provisions concerning Amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once at length, as required by the Constitution, and referred to appropriate standing committee as follows:

H. 125, to the Committee on Constitution, Constitutional Revision and Amendments.

BILL, RECALLED AND RE-REFERRED

On motion of Mr. Hubbard, the bill:

H. 385. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city, or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

Was recalled from the Standing Committee on Judiciary and re-referred by the President of the Senate to the Standing Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 246. Relating to sentences imposed by courts of competent jurisdiction for violation of ordinances of cities and towns in counties having a population of 300,000 or more according to the last or any subsequent federal census; and, without limiting the generality of the foregoing, to provide for the suspension of execution, the execution after suspension, and the remission of, such sentences or any part thereof.

Also:

H. 374. To further regulate the insurance business in Alabama, to create an emergency Insurance Board and to confer additional powers on the Superintendent of Insurance of Alabama to be exercised by and with the approval of the majority of such Board.

Also:

H. 394. To amend an Act entitled, "An Act to amend Section 3088 of the Code of Alabama, 1923", approved March 1, 1933.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. West:

H. J. R. 93. RESOLVED by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet on Tuesday, March 21st, 1933, at 12:00 o'clock, Noon.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hildreth, H. J. R. 93, set out in the foregoing Message from the House, was concurred in and adopted.

NOTICE

Notice is hereby given that on the next Legislative Day, I will move to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 149. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and the bridge and all other property owned by Mobile Bay Bridge Company, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

John Craft,
Senator 33rd District.

BILLS ON THIRD READING

The bill:

S. 9. To amend Section 8 of an Act entitled an Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 359 by Tunstall on page 139 of the General Acts of Alabama of 1927.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill; to-wit:
 Substitute for S. 9:

A BILL

To be entitled an Act to amend Section 8 of an act entitled an Act, "in reference to and to further provide for the general revenue of the State of Alabama," being H. 359 on page 139 of the 1927 General Acts of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 8 of an act entitled An Act, "In reference to and to further provide for the general revenue of the State of Alabama", being H. 359 on page 139 of the 1927 General Acts of Alabama be and the same is hereby amended to read as follows:

Section 1. Dentist. Each person practicing the profession of dentistry in cities or towns of over five thousand inhabitants shall pay an annual license of Twenty Five Dollars; in cities or towns of less than five thousand and more than one thousand inhabitants, Ten Dollars; in all other incorporated towns, Five Dollars, but no license shall be void to the County, nor shall a city or town of less than Five Thousand inhabitants exact an annual municipal license from such person practicing dentistry in excess of Five Dollars. If such business is conducted as a firm or as a corporation in which more than one dentist is engaged, each dentist so engaged shall pay the license as above stated, provided that the license imposed by this section shall not apply until such dentist shall have practiced his or her profession as long as two years.

Section 2. This act to be of force and effect upon its passage and approval.

Mr. Beasley moved that said bill and the pending substitute be indefinitely postponed, which motion was lost.

Yeas, 9; nays, 11.

Yeas:

Messrs.:

Beasley
 Caffey
 Garrett

Goodwin
 Hubbard

Lusk
 McDaniel

Mullins
 Shepherd

— 9

Nays:

Messrs.:

Bartlett
 Bonner
 Cooper

Duncan
 Hildreth
 Hooton

Kelley
 Millsap
 Riddle

Teasley
 Warren

—11

And said substitute offered by the Committee on Finance and Taxation was then adopted.

Yeas, 13; nays, 5.

Yeas:

Messrs.:

Bartlett
Bonner
Darden
DelonyDuncan
Garrett
HildrethHooton
Millsap
RiddleShepherd
Teasley
Warren

—13

Nays:

Messrs.:

Beasley
Caffey

Lusk

Mullins

Walker

— 5

And said bill, as thus amended, was read a third time at length and lost on account of failure to receive the necessary Constitutional majority.

Yeas, 11; nays, 11.

Yeas:

Messrs.:

Bartlett
Bonner
DardenDelony
Garrett
HildrethHooton
Millsap
RiddleScruggs
Warren

—11

Nays:

Messrs.:

Beasley
Caffey
CooperCraft
Duncan
GoodwinHubbard
Kelley
LuskMullins
Shepherd

—11

The bill:

S. 11. To amend Section 9 of an Act entitled an Act, "In reference to and to further provide for the General Revenue of the State of Alabama," being H. 359 by Tunstall on page 139 of the General Acts of Alabama of 1927.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 11:

A BILL

To be entitled an Act to amend Section 9 of an act entitled An Act, "In reference to and to further provide for the general revenue of the State of Alabama", being H. 359 on page 139 of the 1927 General Acts of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 9 of an act entitled an Act, "In reference to and to further provide for the general revenue of the State of Alabama," being H. 359 on page 139 of the 1927 General Acts of Alabama, be and the same is hereby amended to read as follows:

Section 1. **Doctors Medical.** Each person engaged in the practice of medicine in cities or towns of over Five Thousand Inhabitants shall pay an annual license of Twenty Five Dollars; in cities and towns of less than Five Thousand and more than One Thousand inhabitants, Ten Dollars; in all other incorporated towns, Five

Dollars, but no license shall be paid to the County, nor shall any city or town of less than Five Thousand Inhabitants charge such Medical Doctor an annual municipal license in excess of the sum of Five Dollars. If such business is conducted as a firm or as a corporation in which more than one doctor is engaged, each doctor so engaged shall pay the license as above stated, **provided that the license imposed by this section shall not apply until such doctor shall have practiced his or her profession as long as two years.**

Section 2. This act to be of force and effect upon its passage and approval.

On motion of Mr. Beasley, said bill and the pending substitute were indefinitely postponed.

The bill:

S. 10. To amend Section 7 of an Act entitled an Act, "In reference to and to further provide for the General Revenue of the State of Alabama," being H. 359 by Tunstall on page 139 of the 1927 General Acts of Alabama.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 10:

A BILL

To be entitled An Act to amend Section 7 of an Act entitled an Act, "in reference to and to further provide for the general revenue of the State of Alabama", being H. 359 on page 139 of the 1927 General Acts of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 7 of an act entitled an Act, "In reference to and to further provide for the general revenue of the State of Alabama", being H. 359 on page 139 of the 1927 General Acts of Alabama be and the same is hereby amended to read as follows:

Section 1. Attorneys.—Each attorney engaged in the practice of law shall pay an annual license of Fifteen Dollars (\$15.00) to the State, but no license shall be paid to the County, nor shall any town or city having less than 5,000 population according to the last preceding Federal Census charge a municipal license in excess of Seven Dollars and Fifty Cents (\$7.50). If such business is conducted as a firm, or as a corporation in which more than one lawyer is engaged, each lawyer so engaged shall pay a license; provided, that the license imposed by this section shall not apply until such attorney shall have practised his or her profession as long as two (2) years. The license tax herein imposed is in addition to the license fee required under Section 11 of an Act approved August 9, 1923, (Gen. Acts 1923, page 105) to provide for organization, regulation and government of State Bar, etc.

Section 2. This Act to be of force and effect upon its passage and approval.

On motion of Mr. Beasley, said bill and the pending substitute were indefinitely postponed.

The bill:

S. 154. To amend "An Act to authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective counties, and to repeal all laws and parts of laws in conflict with this Act." Approved November 8, 1932. So that the same shall read as follows:

AN ACT

To authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than Seventeen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act, imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuel, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of public school teachers for teaching school in class room work in the public schools in the respective counties, and to repeal all laws and parts parts of laws in conflict with this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Section 1 by striking out the words "seventeen Thousand" where the same appears therein and insert therein the words "Ten Thousand."

Mr. Darden offered the following substitute for said bill and amendment to-wit:

Substitute for S. 154 and amendments:

A BILL

To be entitled An Act to amend "An Act to authorize and empower the Courts of County Commissioners in all the Counties of Alabama which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," Which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying the past due and future salaries of school teachers for teaching school in class room work in the respective Counties, and to repeal all laws and parts of laws in conflict with this Act." Approved November 8, 1932.

So the same may read as follows:

A BILL

To be entitled An Act To authorize, empower, direct and require the governing bodies of the several counties of this State, which now have or may hereafter have a population of Four Hundred Thousand or less, according to the last or any succeeding Federal Census, to use and/or appropriate fifty percent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Acts of the Legislature of Alabama, approved February 10th, 1923, entitled "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies, or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act" which is to be paid to the said counties under the pro-

visions of Section 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama for the purpose of paying past due and future salaries of public school teachers for teaching school and class room work and for paying past due or future salaries or compensation to the public school bus drivers in the several counties in this State until September 1st, 1935; and to require the said governing bodies of the several counties included in this Act to draw its warrants each month for the amount of the appropriations herein provided for in this Act, on the special gasoline fund going to said counties in the State of Alabama, payable to the person or officer having charge of the duty of paying public school teachers and public school bus drivers of the several counties included in this Act and of the respective counties of the said governing board of their respective counties; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Be it enacted in the Legislature of Alabama:

Section 1. That the governing bodies of the several counties of this State which now have or may hereafter have a population of less than 400,000 according to the last or any subsequent Federal Census are hereby authorized, empowered, directed, and/or required to use and/or appropriate fifty percent of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies, or associations engaged in the business of selling or distributing gasoline or other liquid motor fuel in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any of the provisions of this Act", which is to be paid to such counties under the provisions of Section 83, of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to and to further provide for the general revenue of the State of Alabama," for the purposes of paying the past due and future salaries of public school teachers for teaching public school in class room work and for paying past due and future salaries or compensation of public school bus operators or drivers, in their respective counties, until the First day of September, 1935. After the First day of September, 1935, the provisions of this Act shall cease.

Section 2. It is hereby made the duty of the governing bodies of the several counties of this state coming under the provisions of this Act to monthly draw its voucher or warrant, payable to the person or officer whose duty it is to pay the school teachers and the drivers or operators of public school buses in their several counties, on the special or gasoline funds going to their respective counties;

from the State of Alabama for the amount provided for in Section 1 of this Act, and deliver the same to the person or officer to whom it is payable.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

On motion of Mr. Hooton, said substitute was laid on the table.

Yeas, 17; nays, 7.

Yeas:

Messrs.:

Beasley	Delony	Lapsley	Mullins
Bonner	Hildreth	Lusk	Shepherd
Brown	Hooton	McDaniel	Walker
Caffey	Hubbard	Millsap	Wikle
Cooper			

—17

Nays:

Messrs.:

Bartlett	Duncan	Riddle	Warren
Darden	Goodwin	Scruggs	

— 7

Mr. Darden then moved that said bill and committee amendment be indefinitely postponed.

Mr. Hooton moved to lay said motion on the table, which motion prevailed and the motion to postpone was laid on the table.

Yeas, 15; nays, 8.

Yeas:

Messrs.:

Beasley	Delony	Lusk	Shepherd
Bonner	Hildreth	McDaniel	Walker
Caffey	Hooton	Mullins	Wikle
Cooper	Lapsley	Scruggs	

—15

Nays:

Messrs.:

Bartlett	Darden	Goodwin	Riddle
Brown	Duncan	Hubbard	Warren

— 8

The question then recurred on the adoption of said amendment reported by the Standing Committee on Finance and Taxation, and the amendment was adopted.

Yeas, 16; nays, 8.

Yeas:

Messrs.:

Beasley	Hildreth	Lusk	Scruggs
Bonner	Hooton	McDaniel	Shepherd
Caffey	Hubbard	Millsap	Walker
Delony	Lapsley	Mullins	Wikle

—16

Nays:

Messrs.:

Bartlett	Darden	Goodwin	Riddle
Craft	Duncan	Kelley	Warren

— 8

And said bill, as thus amended, was read a third time at length and lost because of a failure to receive the necessary Constitutional majority.

Yeas, 17; nays, 12.

Yeas:

Messrs.:

Beasley	Delony	Lusk	Shepherd
Bonner	Hildreth	McDaniel	Teasley
Brown	Hooton	Millsap	Walker
Caffey	Lapsley	Powell	Wikle
Cooper			

—17

Nays:

Messrs.:

Bartlett	Duncan	Goodwin	Riddle
Craft	Edmundson	Hubbard	Scruggs
Darden	Garrett	Kelley	Walker

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference appointed on the disagreement of the two Houses on the House amendment to the bill:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States.

Said report of the Committee of Conference being in words and figures as follows, to-wit:

To The Presiding Officer of the Senate:

To the Speaker of the House:

We, your Committee on Conference having under consideration S. 148, beg leave to report as follows:

First: We recommend that the House recede from its amendment to said bill.

Second: We recommend that the House amend said S. 148 so as to read as follows, to-wit:

Substitute for S. 148 by Conference Committee:

A BILL

To be entitled An Act to provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th

amendment and for or against ratification of the proposed 21st amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That a convention is hereby called to convene in the Hall of the House of Representatives at the Capitol of this State, at noon, three weeks after the first Tuesday after the expiration of three months after the final adjournment of this session of the Legislature, for the purpose of ratifying or rejecting the proposed 21st amendment to the Constitution of the United States.

Section 2. That the convention herein provided for shall be composed of 116 delegates, who shall be elected from the following area and in the following manner: There shall be as many delegates from each county in the state as such county is now entitled to members of the House of Representatives of the Legislature of Alabama, to be elected by the qualified electors in such county in the manner hereinafter provided. There shall also be elected ten delegates from the state at large who shall be bound in like manner and to the same extent as delegates from the several counties of the State are bound by a majority vote of the people of the entire state.

Section 3. That on the first Tuesday after the expiration of three months from the final adjournment of this session of the Legislature an election shall be held in the several counties of the state for the purpose of electing delegates to such convention, which election, in all respects, shall be conducted in the same manner, returns made, canvassed and results declared as elections for members of the House of Representatives of the Legislature are now conducted.

Section 4. The ballots shall be prepared and printed in all respects as are ballots prepared and printed for general elections in the counties of this state, and shall be paid for in like manner as ballots for such general elections are now paid. The candidates for membership in the convention shall be listed on such ballots in alphabetical order in each county. At the top of the ticket containing a list of candidates for membership in the convention, there shall appear, properly arranged, for the voter to indicate his choice, the words, "For repeal of 18th amendment and for ratification of proposed 21st amendment to the Constitution of the United States," which shall mean in favor of ratification of the proposed 21st amendment and underneath that, the words "Against repeal of 18th amendment and against ratification of proposed 21st amendment to the Constitution of the United States", which shall mean in favor of rejection of the proposed 21st amendment. It shall be necessary for the voter to indicate his choice, that is, whether he desires repeal, or no repeal, of the 18th amendment to the United States Constitution by the ratification or rejection of the proposed 21st amendment. Unless such voter shall indicate his choice on this question, his ballot for delegates to the convention whether from the state at large or from the counties shall not be counted, but shall be null and

void. The candidates receiving the highest number of votes in the county in which they are candidates for the convention shall be declared elected, and the results of the election shall be canvassed and declared by the same officers and in the same manner as now provided by law for canvassing votes and declaring results thereof for general elections in this state. The ten candidates from the state at large receiving the highest number of votes in the State shall be declared elected as delegates from the state at large.

Section 5. Officers for holding such election in each county shall be designated in the manner provided by law for the conduct of general elections, and the compensation to such election officers shall be the same and paid in like manner as now provided by general laws.

Section 6. Any person desiring to become a candidate for membership in the convention from any county in the state shall file the following statement, under oath, with the Judge of Probate in the county in which he is a candidate:

"I _____, do hereby solemnly pledge myself, in the event of my election to a convention to be held in Montgomery for the purpose of considering the ratification or rejection of the proposed 21st amendment to the Constitution of the United States, to abide by the result of the referendum in the State on the question of the ratification or rejection of the proposed 21st amendment to the Constitution of the United States; and should a majority of the votes cast in said election be for ratification, then I pledge myself to vote for the ratification of the proposed 21st amendment in the convention, but should a majority of the votes cast in said election be for rejection of the proposed 21st amendment, then I pledge myself to vote for the rejection of the proposed 21st amendment to the United States constitution. I further promise and pledge to comply with all laws governing general elections in the State of Alabama in the conduct of the campaign in which I shall seek election."

"Sworn to and subscribed before me this the _____ day of _____, 1933."

In case of candidates for delegates from the state at large to such convention, the foregoing oath shall be taken and subscribed by each of them and filed in the office of the Secretary of State but it shall not be necessary for such candidates for delegates from the state at large to file such oath with the Judges of Probate of the several counties of this state.

The Judge of Probate shall keep said affidavits as a permanent file in his office, and the Secretary of State shall keep as a permanent file in his office the affidavits filed by candidates for delegates from the State at large. The candidates elected from each county, as well as the ten candidates elected from the state at large, shall be required to support in the convention the position declared by a majority of those casting ballots in the election herein

ordered in the State and if a majority of such ballots be cast for ratification, then the elected delegates whether from the state at large or from the counties, will be required to support and vote for the ratification of the proposed 21st amendment, but if a majority be in favor of rejection, the elected delegates shall support and vote for the rejection of the proposed 21st amendment.

Section 7. All delegates elected to the convention shall take the oath of office prescribed by law for officers of the state of Alabama. The convention shall determine its own rules, shall keep such journal as it may determine, and shall record its vote by yea and nay.

Section 8. Immediately after the adjournment of said convention, the proper officers shall certify, under their official signatures, the action of said convention relative to the ratification or rejection of said amendment to the Secretary of State of Alabama, who shall, in turn, certify the same to the Secretary of State of the United States of America.

Section 9. All laws and parts of laws in conflict with this act are hereby repealed; and if any section or provision of this act is held invalid because unconstitutional, the same shall not affect the other portions of this act.

THIRD: And we further recommend that the House pass said bill as so amended.

Fourth: We recommend that the Senate concur in said House amendment.

Respectfully submitted,
W. W. Beasley,
Sanford Mullins,
John A. Lusk, Jr.,
Committee on the part of the Senate.
Thos. W. Bradford,
R. T. Goodwyn,
Geo. A. Sossaman,
Committee on the part of the House.

And said bill, S. 148, as thus amended by the report of the Committee of Conference, was again read a third time at length, and passed by a vote of: Yeas, 71; nays, 25.

And said bill together with the report of the Committee of Conference are sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mullins, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the Disagreement of the two Houses on the House amendment to S. 148,

the title of which and said conference report is set out in the foregoing Message from the House.

Yeas, 29; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Garrett	McDaniel	Teasley
Caffey	Goodwin	Millsap	Walker
Cowart	Hildreth	Mullins	Warren
Craft	Hubbard	Powell	Wikle
Darden			—29

Nay:—Mr. Hooton

— 1

And said bill, as thus amended, by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 23; nays, 6.

Yeas:

Messrs.:

Beasley	Garrett	Lusk	Shepherd
Brown	Goodwin	McDaniel	Teasley
Craft	Hildreth	Millsap	Walker
Delony	Hubbard	Mullins	Warren
Duncan	Kelley	Powell	Wikle
Edmundson	Lapsley	Scruggs	—23

Nays:

Messrs.:

Bartlett	Caffey	Hooton	Riddle
Bonner	Darden		— 6

BILLS ON THIRD READING RESUMED

The bill:

H. 369. To amend Section 1 of an Act entitled An Act, to create the office of County Road Supervisor for Henry County, Alabama, H. 536, approved November 4th, 1932.

Was read a third time at length and passed

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Riddle
Beasley	Duncan	Lapsley	Scruggs
Bonner	Edmundson	Lusk	Shepherd
Brown	Garrett	McDaniel	Teasley
Caffey	Goodwin	Millsap	Walker
Cooper	Hildreth	Mullins	Warren
Craft	Hooton	Powell	Wikle
Darden	Hubbard		—30

The bill:

H. 95. To reduce and fix the compensation of the Deputy Register of the Circuit Court of Mobile County, Alabama.

Was read a third time at length and passed.
Yeas, 30; nays, 0.

Yeas:

Messrs.:
Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Garrett
Goodwin
Hildreth
Hooton
Hubbard

Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—30

The bill:

H. 96. To reduce and fix the salaries of the three deputy clerks of the Circuit Court of Mobile County.

Was read a third time at length and passed
Yeas, 30; nays, 0.

Yeas:

Messrs.:
Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Garrett
Goodwin
Hildreth
Hooton
Hubbard

Kelley
Lapsley
Lusk
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—30

The bill:

H. 362. To amend Section 132 of the Alabama School Code.

Was read a third time at length and passed.
Yeas, 20; nays, 0.

Yeas:

Messrs.:
Bartlett
Bonner
Caffey
Craft
Darden

Delony
Duncan
Edmundson
Garrett
Goodwin

Hooton
Hubbard
Kelley
Lapsley
Mullins

Powell
Riddle
Scruggs
Warren
Wikle

—20

The bill:

H. 162. To establish, designate and declare as a State Trunk Road number 200, and as a part of the Primary System of Highways of Alabama a certain road to begin at the boundary line between Alabama and Mississippi at or near Frost Bridge near Isney, Alabama— and extending in an easterly direction through or near Isney, Bolinger, Silas, Bladon Springs, Coffeerville and Grove Hill, Alabama, following the route of the recent survey made by the State Highway Department of a route to Frost Bridge, and to connect with State Trunk Road number 61 at or near Claiborne

Landing on the Alabama River, and to provide for its location, construction and maintenance.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett

Caffey

Craft

Darden

Delony

Duncan

Edmundson

Garrett

Goodwin

Hooton

Hubbard

Kelley

Lapsley

Lusk

McDaniel

Mullins

Powell

Scruggs

Teasley

Warren

Wikle

—21

NOTICE

Mr. Hooton gave to the Senate the following Notice in Writing:

"Notice is hereby given that on the next Legislative Day I will move to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by State funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or Acts.

Hooton."

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-First Legislative Day approved.

ADJOURNMENT

At 11:40 A. M., on motion of Mr. Hooton, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 21st, 1933, at 12: M.

TWENTY-SECOND DAY

Tuesday, March 21st, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. W. J. Mahoney, of Louisville, Ky.

ROLL CALL

Present:

Messrs.:			
Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Scruggs
Brown	Edmundson	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	Lusk	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	McDowell	Wikle

—32

JOURNAL

On motion of Mr. Scruggs, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDaniel, leave of absence was granted Mr. Powell for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hooton:

S. 194. To amend Section 6 of an act entitled an act, to redefine the duties of the State Auditor; and to provide for the employment and compensation of assistants and clerical help in the office of State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the office of State Comptroller. Approved October 19, 1932.

Committee on Finance and Taxation.

By Mr. Craft:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies, by whatever name called, in all counties of this State having a pop-

ulation of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabitants, according to the last or any succeeding Federal Census; to issue to school teachers to whom the State and County are indebted for teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers as of the date of the passage and approval of this Act; and to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply pro rata and equitably, not less than fifteen per cent of all State and County School funds coming into its possession, to the reduction of and payment of indebtedness due school teachers who have taught in the public schools of such counties.

Committee on Local Legislation.

By Mr. Craft:

S. 196. To amend Section 4 of an Act entitled "An Act to further regulate the public school system of the County of Mobile by establishing a Board of School Commissioners for Mobile County, of five members, in the place and stead of the Board of School Commissioners of Mobile County, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and, to that end, to abolish the Board of School Commissioners of Mobile County as now constituted", approved August 22, 1919.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 4 of an Act entitled "An Act to further regulate the public school system of the County of Mobile by establishing a Board of School Commissioners for Mobile County, of five members, in the place and stead of the Board of School Commissioners of Mobile County, as at present constitute; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and, to that end, to abolish the Board of School Commissioners of Mobile County as now constituted," approved August 22, 1919.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 4 of an Act entitled "An Act to further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County, of five members, in the place and

stead of the Board of School Commissioners of Mobile County, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and, to that end, to abolish the Board of School Commissioners of Mobile County as now constituted" approved August 22, 1919, be amended so as to read as follows:

Be it further enacted that in appointing the five members of the Board of School Commissioners of Mobile County under this Act, here-in-before provided for, the Superintendent of Education of the State of Alabama, shall divide the said five members into three classes which shall be styled Class 1, Class 2 and Class 3, Class 1 shall consist of two members, Class 2 shall consist of two members, and Class 3 shall consist of one member. The members of Class 1 shall hold office until the general election in 1920, and until their successors shall have been elected and qualified. The term of office of their successors shall be six years. The members in Class 2 shall hold office until the general election in 1922 and until their successors are elected and qualified. The term of office of their successors shall be six years. The member in Class 3 shall hold office until the general election in 1924 and until his successor shall be elected and qualified. The term of office of his successor shall be six years. So in every second year thereafter, at the general election in that year, there shall be elected by the people successors to the members of the Class whose term of office is then expiring. The term of office of the Commissioners elected by the people at the general elections under this Act, shall be six years.

That whenever a vacancy shall occur in the office of a member of the Board of School Commissioners of Mobile County, Alabama, by reason of death, resignation or removal of such member, the remaining members of said Board shall be and they are hereby authorized and empowered to appoint the successor of such member; and in the event the remaining members of the Board of School Commissioners fail to make such appointment within thirty days from the date of such death, resignation or removal, the Governor of Alabama is hereby authorized and empowered to appoint the successor of such member so dying, resigning or removed; and such successor shall serve for the unexpired term of his predecessor.

Section 2. The provisions of section four as amended hereinabove shall apply to any existing vacancy on the Board of School Commissioners of Mobile County.

Section 3. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This act shall take effect upon its passage and approval as provided by law.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said State and County, Geo. W. Adams, who upon oath deposes and says that he is the Advertising Mgr. of the Mobile Times, Inc., a corporation, and duly authorized by it to make this oath. That the Mobile Times is a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in the Mobile Times in its issues of February 24th, March 3rd, 10th and 17th, 1933.

GEO. W. ADAMS.

Subscribed and sworn to before me this the 18th day of March, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

By Mr. Craft:

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County, as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of School Commissioners of Mobile County, as now constituted and existing, is hereby abolished.

Section 2. There is hereby created a new Board of School Commissioners of Mobile County, to consist of seven members which board so established under this Act shall have the same title as the present Board of School Commissioners of Mobile County, to-wit, the Board of School Commissioners of Mobile County, and shall have and exercise all the rights, powers, duties and privileges that are now held and exercised by the Board of School Commissioners of Mobile County as now constituted, the purpose of this Act being the creation of a Board of School Commissioners consisting of seven members in lieu of the present Board now consisting of five members, to provide the appointment and election of such members of said Board, and in otherwise not to disturb or in any way affect the body of existing law regulating and governing the system and conduct of public schools of Mobile County, except as is expressly set out in this Act as necessary to make harmonious the present Act with the said body of existing law.

Section 3. The Senate of Alabama shall appoint the members of the Board of School Commissioners of Mobile County, which shall exist under this act—five of whom shall be persons out of and from the Board as at present constituted. Until the appointment of said new Board as herein specified, the old Board of School Commissioners of Mobile County, being

the Board as at present constituted, shall continue to hold office and administer the public school system of Mobile County. The appointment herein provided to be made by the Senate shall be made as soon as is reasonably practicable after this Act shall have become law.

Section 4. The Secretary of the Senate shall make known the appointment of the members who shall constitute the Board of School Commissioners of Mobile County, under this Act by a notice in writing to each of the seven members, and also by formal proclamation addressed to the Board of School Commissioners of Mobile County. At once, upon the giving by the said Secretary of such notice and the promulgation of such formal proclamation, the Board of School Commissioners of Mobile County, as at present constituted, shall forthwith cease to exist and the new Board of School Commissioners under this Act shall forthwith come into being.

Section 5. In the appointment of the seven members of the Board of School Commissioners of Mobile County under this Act as hereinbefore provided, the Senate of Alabama shall divide the said seven members into three classes, which shall be styled—Class One, Class Two and Class Three. Class One shall consist of three members, two of whom shall be two members of the Board of School Commissioners of Mobile County, as at present constituted, who were elected at the general election of 1932. Class Two shall consist of two members who shall be the two of the members of the Board of School Commissioners of Mobile County, as at present constituted, who were elected in the general election in 1928, and Class Three shall consist of two members, one of whom shall be a member of the Board of School Commissioners of Mobile County as at present constituted, who was elected at the general election in 1930. Members in Class One, as herein constituted, shall hold office until the general election in 1938, and until their successors shall have been elected and qualified. The term of office of their successors shall be six years. The members in Class Two as herein defined shall hold office until the general election in 1934, and until their successors are elected and qualified. The term of office of their successors shall be for six years. The members in Class Three shall hold office until the general election in 1936, and until their successors are elected and qualified. The term of office of their successors shall be for six years. The terms of office of the Commissioners elected by the people in the general elections under this Act shall be six years.

Section 6. That at the general election in 1938, the successors of the three members in Class One, and at the general election in 1934, the successors to the two members in Class Two, and at the general election in 1936, the successors to the two members in Class Three shall be elected by the voters of the County at large.

Section 7. That five members shall constitute a quorum at any meeting of the School Commissioners established by and under this Act, whether such meeting be a special, general or regular meeting, and any and all acts taken by a quorum in the name of the Board shall be valid and binding as fully as if taken at a meeting having present the entire membership; provided, however, that no business involving a change in the system, rules or regulations or affecting the general interest of the County shall be transacted, except at a regular meeting after due notice given, or when a full Board is in attendance; and provided further that the provisions of all already existing law, requiring unanimous action of the Board, or action by the full Board, in certain stated contingencies, are not by this Act changed or altered, but remain in full force and effect.

Section 8. That whenever vacancy shall occur in the office of member of the Board of School Commissioners of Mobile County, by reason of the death, resignation or removal of such member, the remaining members of said Board shall be, and they are hereby, authorized and empowered to appoint a successor of such member, and in the event the remaining members of

the Board of School Commissioners fail to make such appointment within thirty days from the date of such death, resignation and removal, the Governor of Alabama is hereby authorized and empowered to appoint the successor of such member so dying, resigning or removed, and such successor shall serve for the unexpired term of his predecessor.

Section 9. Be it further enacted that all laws or parts of laws in conflict herewith are hereby expressly repealed.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said State and County Geo. W. Adams who upon oath deposes and says that he is the Advertising Mgr. of the Mobile Times, Inc., a corporation, and duly authorized by it to make this oath. That the Mobile Times is a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in the Mobile Times in its issues of February 24th, March 3rd, 10th and 17th, 1933.

GEO. W. ADAMS.

Subscribed and sworn to before me this the 18th day of March, 1933.

GEORGE A. SOSSAMAN,
Notary Public, Mobile County, Alabama.

By Mr. Shepherd:

S. 198. To amend an act approved March 10, 1933, and entitled "An act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Committee on Revision of Laws.

By Mr. Lapsley:

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the Court House may have telephones.

Committee on Finance and Taxation.

REPORT OF COMMITTEE

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelley of Talladega (with amendment):

H. 385. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city, or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Taylor:

H. 421. To repeal an Act of the Legislature entitled, "An Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the first Monday of November, 1934, which is more than three months after the final adjournment of the present session of the Legislature at which the amendment is proposed, an amendment to the Constitution of Alabama declaring that from and after its adoption the Legislature may by general or local law without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed, and that upon the adoption of said

amendment the salary of each Commissioner of the City of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers", No. 250 (H. 572—Sossaman), passed by the House of Representatives October 7, 1932, and passed by the Senate November 1, 1932.

Also:

By Mr. Sanderson:

H. 405. To amend an Act Approved June 29th, 1931, Entitled an Act. "To provide in all Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, for an action of ejectment to recover possession of real property and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser, so as to change the population basis to include all Counties having a population of 90,000 or more, according to the last or any subsequent Federal census."

Also:

By Mr. Holland:

H. 390. To fix and limit the amount that may be expended and allowed by Assistant Examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowance for expenses or transportation except when they are out of the city of Montgomery on official business.

Also:

By Mr. Bradford (of Jefferson):

H. 424. To amend Sections 3, 6, 7, and 10 of an Act entitled, "An Act to provide in all Counties in this State having a population of three hundred thousand, (300,000) inhabitants or more according to the last or any subsequent Federal Census for an action of ejectment to recover possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser," approved June 29, 1931.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 421, to the Committee on Constitution, Constitutional Revision and Amendments.

H. 390, to the Committee on Finance and Taxation.

H. 405 and H. 424, to the Committee on Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th amendment and for or against ratification of the proposed 21st amendment.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 95. To reduce and fix the compensation of the Deputy Register of the Circuit Court of Mobile County, Alabama.

Also:

H. 96. To reduce and fix the salaries of the three deputy clerks of the Circuit Court of Mobile County.

Also:

H. 162. To establish, designate and declare as a State Trunk Road number 200, and as a part of the Primary System of Highways of Alabama a certain road to begin at the boundary line between Alabama and Mississippi at or near Frost Bridge—near Isney, Alabama, and extending in an easterly direction through or near Isney, Bolinger, Silas, Bladon Springs, Coffeetown and Grove Hill, Alabama, following the route of the recent survey made by the State Highway Department of a route to Frost Bridge, and to connect with State Trunk Road number 61 at or near Claiborne Land-

ing on the Alabama River, and to provide for its location, construction and maintenance.

Also:

H. 362. To amend Section 132 of the Alabama School Code.

Also:

H. 369. To amend Section 1 of an Act Entitled An Act, to create the office of County Road Supervisor for Henry County, Alabama, H-536, approved November 4th, 1932.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS TAKEN FROM ADVERSE CALENDAR

Pursuant to his written notice heretofore given, Mr. Hooton moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill: (With substitute):

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by State funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or Acts.

Which motion prevailed, and said bill, H. 315, was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading, with substitute.

Yeas, 23; nays, 4.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	McDowell
Beasley	Duncan	Hubbard	Mullins
Caffey	Fletcher	Kelley	Scruggs
Cowart	Garrett	Lapsley	Teasley
Craft	Goodwin	Lusk	Walker
Darden	Hildreth	McDaniel	

—23

Nays:—Messrs. Bonner, Brown, Cooper and Wikle

— 4

On motion of Mr. Lapsley and pursuant to his written notice heretofore given, the bill:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims

heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

Was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading.

Yeas, 24; nays, 2.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Mullins
Beasley	Fletcher	Lapsley	Scruggs
Caffey	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDaniel	Teasley
Craft	Hooton	McDowell	Walker
Darden	Hubbard	Millsap	Wikle

—24

Nays:—Messrs. Bonner and Brown

— 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. McElderry:

H. 417. To amend an Act entitled an Act to provide for the payment of expenses of publication and notices of intention to introduce local bills in a Legislature, approved June 18, 1931.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill, in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 417, to the Committee on Finance and Taxation.

RESOLUTION OF CONFIDENCE

Mobile, Ala., March 19, 1933.

Hon. Earl Speight,
Secretary of the Senate,
Montgomery, Ala.

Dear Sir:

As Secretary of The Jeffersonian Club, Inc., of Mobile, Alabama, I have the honor to advise you that at a largely attended meeting of this Club, the following resolution was unanimously adopted.

"WHEREAS an honorable member of this club and a public servant of the County of Mobile has recently been most unjustly and cruelly criticised and attacked by the Mobile Press-Register, and

WHEREAS the members of this club know that this honorable member, the venerable and fearless Senator, the Honorable John Craft, has always performed his duty fearlessly, courageously and honestly, always with the thought of that which is best for his city and county,

NOW THEREFORE BE IT RESOLVED that the Jeffersonian Club, Inc., does give to Senator Craft a unanimous vote of confidence and thanks in

and for the unselfish public service that he has in the past and is now rendering to his constituency.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Senator Craft, to the Secretary of the Senate of the State of Alabama and the newspapers of Mobile."

I was instructed to forward to you a copy of this resolution, and it is with pleasure that I am complying with these instructions.

Respectfully submitted,

J. R. ENNIS,

Secretary The Jeffersonian Club, Inc.

The foregoing resolution was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Stokes:

H. 413. To provide for the levy, assessment, payment and collection of an Excise Tax for the privilege of engaging in the State of Alabama in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks, to provide for the making of return for assessment of said Tax, to prescribe the rate of such tax and the privileges and exemptions secured by its payment, to provide for the distribution of the proceeds of such tax to the State and to the several counties and Municipalities of the State, penalties for failure to make such returns and for failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 413, to the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 145. To permit State Banks having a capital of not less than Five Hundred Thousand Dollars, and located in municipalities having a population in excess of ten thousand to establish, maintain and operate branch bank offices and facilities by and with the approval of the Superintendent of Banks.

Was taken up.

Mr. Lapsley offered the following substitute for said bill, to-wit: Substitute for S. 145:

A BILL

To be entitled An Act to authorize any bank in this State, having an unimpaired capital and surplus of not less than \$500,000.00 to establish, maintain, and operate branch banks, offices and facilities with the approval of the Superintendent of Banks and the State Banking Board, subject to supervision and regulation by the Superintendent of Banks and the State Banking Board:

Be it enacted by the Legislature of Alabama:

Section 1. That any bank now or hereafter organized under the laws of this State, having an unimpaired capital and surplus aggregating not less than \$500,000.00, upon approval of the Superintendent of Banks and the State Banking Board, is hereby authorized to establish, maintain, and operate branch banks, offices and facilities, after first obtaining the permission of the Superintendent of Banks and the State Banking Board.

Section 2. That a separate permit must be obtained from the Superintendent of Banks, with the approval of the State Banking Board, for operation of each separate branch office proposed to be established, maintained, and operated by any such bank.

Section 3. That no permit shall be granted for the operation of any branch office located more than 50 miles, by the shortest route travelled, from the principal office of the bank making application for the establishment of any such branch office or offices.

Section 4. That the Superintendent of Banks, with the approval of the State Banking Board, is hereby authorized and directed to adopt and promulgate reasonable rules and regulations governing the operation of any branch office established or operated under the provisions of this act.

Section 5. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in itself void and unconstitutional.

Section 6. That any and all laws or parts of law in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 7. This Act shall become effective immediately upon approval by the Governor.

Which was adopted.

Yeas, 24; nays, 7.

Yeas:

Messrs.:

Bartlett

Brown

Caffey

Cowart

Craft

Darden

Duncan

Edmundson

Faulk

Fletcher

Goodwin

Hildreth

Hooton

Hubbard

Kelley

Lapsley

Lusk

McDowell

Mullins

Scruggs

Shepherd

Teasley

Warren

Wikle

Nays:
 Messrs.:
 Beasley Cooper Garrett Millsap
 Bonner Delony McDaniel — 7

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 7.

Yeas:
 Messrs.:
 Bartlett Duncan Hubbard Mullins
 Brown Edmundson Kelley Scruggs
 Caffey Faulk Lapsley Teasley
 Cowart Goodwin Lusk Warren
 Craft Hildreth McDowell Wikle
 Darden Hooton —22

Nays:
 Messrs.:
 Beasley Cooper Garrett Millsap
 Bonner Delony McDaniel — 7

The bill:

H. 279. To repeal an Act "To provide for establishing, constructing and maintaining public roads and bridges in counties now having, according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission, and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and to provide their compensation," approved February 16, 1931.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:
 Messrs.:
 Bartlett Darden Hildreth Millsap
 Beasley Delony Hooton Mullins
 Bonner Duncan Hubbard Scruggs
 Brown Edmundson Kelley Shepherd
 Caffey Faulk Lapsley Walker
 Cooper Fletcher Lusk Warren
 Cowart Garrett McDaniel Wikle
 Craft Goodwin —30

The bill:

H. 282. To repeal an Act "To amend Section 1 of an Act entitled An Act to provide for establishing, constructing and maintaining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to

any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and provide their compensation. Approved the 16th day of February, 1931."

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Millsap
Beasley	Duncan	Hubbard	Mullins
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth		

—30

The bill:

H. 294. To repeal an Act to provide for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a highway commission for said County, and defining its powers, jurisdiction and duties.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Scruggs
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	Lapsley	Teasley
Caffey	Faulk	Lusk	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth		

—30

The bill:

S. 161. To authorize and provide a fund to be known as the State Security Fund, which is to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all Departments, Agencies, Institutions, Boards and Commissions of the State and the several counties of the State from loss on account of the acts of any officers, agents and employees of the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a certificate of indemnity pay-

able out of said security fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respects be governed by Chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this Act shall be under the State Comptroller; to provide for the expense of administration of this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 161:

A BILL

To be entitled An Act to authorize and provide a fund to be known as the State Surety Fund, which is to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State from loss on account of the acts of any officers, agents and employees of the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a Certificate of Indemnity payable out of said surety fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respects be governed by chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this Act shall be under the State Comptroller; to provide for the expense of administration of this Act.

Be it enacted by the Legislature of Alabama:

SECTION 1. A fund is hereby created is to be known as the State Surety fund to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all

departments, agencies, institutions, boards and commissions of the State and the several counties from loss on account of the acts of any of said officers and employees.

SECTION 2. That the State Comptroller is hereby constituted and designated as the office through which this act shall be administered and is empowered with such authority as may be necessary to carry out its purposes.

SECTION 3. Before entering upon the duties of their respective offices or employment all officers and employees of the State and the several counties of the State and of all departments, agencies, institutions, boards and commissions must secure a certificate of indemnity from the State Comptroller, with the approval of the Governor, as provided by this Act. Such certificates of indemnity when filed and recorded shall have the same force and effect as any bond now required by law to be given by any of the said officers or employees and no bond or other security shall be required of any officer or employee. Chapter 45 of the Code of Alabama in so far as it is applicable shall apply to and govern all of the certificates of indemnity issued under this Act.

SECTION 4. That the premiums charged for certificates of indemnity as provided for under this Act shall be fixed by the said comptroller with the approval of the Governor and the annual premiums must be collected at the time such certificates are issued. All such premiums or other fund coming into the hands of the comptroller shall be promptly transmitted to the State Treasurer who shall place same to the credit of the State Surety Fund.

SECTION 5. That the premiums collected under the provisions of this Act shall constitute a trust fund to be applied only to the purposes of this Act. That all such funds shall be placed in such depositories as may be approved by the Governor at the best rate of interest obtainable for time deposits. Such depositories to give suitable bond of securities for such deposits, such bonds or securities to be approved by the Governor; or such funds may be invested in bonds of the United States Government or in bonds of the State of Alabama with the approval of the Governor. That the funds accruing under the operation of this Act shall constitute a sinking fund and surplus which shall be subject to the requisition of the Comptroller with approval of the Governor, for the payments of losses, the necessary expenses of the administration and refunds of unearned premiums.

SECTION 6. That there is hereby appropriated out of the State Treasury the sum of \$250,000.00 to be available only in case of losses in any year and then only in such amount as may be required to pay any loss in addition to the amount of funds on deposit at the time of such loss less the amount set aside for the purposes of the administration and when the sinking fund or surplus shall have reached the sum of \$500,000.00 the surplus above such

amount shall be used to reimburse the State Treasury the amount of the amount of the appropriation herein made.

SECTION 7. It shall be the duty of the Comptroller to require such reports and cause such audits to be made as are necessary to protect the State Surety Fund, and it shall be the duty of all officers and employees holding certificates of indemnity to furnish the comptroller, at all times, any information required.

SECTION 8. The State Comptroller, with the approval of the Governor, shall have the power and authority and it shall be his duty to designate depositors for all funds coming into the hands of any of the officers or employees herein designated under color of or by virtue of their office or employment. The Comptroller shall have the power and authority, with the approval of the Governor, to cancel any certificates issued under this Act by complying with requirements now provided by law in the case of official bonds.

SECTION 9. In all cases where a certificate of indemnity has been issued to any officer or employee, as herein provided, has been cancelled by the Comptroller, or where the Comptroller for any reason refuses to issue a certificate of indemnity to any officer or employee, such officer or employee may file bond with sureties, as now provided by law, provided that the premium on such bond shall be paid by such officer or employee.

SECTION 10. The provisions of this Act shall not affect, in any manner, bonds now in force, but at the expiration of said bonds, all officers and employees must file certificates of indemnity, as herein provided.

SECTION 11. That no part of these funds shall be used to increase the salary of any State employee and only such clerical force, inspections, and adjustment expense as may be necessary for the economical administration of this Act shall be paid from said funds and that such expenditures shall be limited to 10 percent of the total net premiums collected or so much thereof as may be required.

SECTION 12. That the State Comptroller shall be and is hereby authorized and empowered to prescribe such forms and such rules and regulations as may be found necessary for the proper administration of the provisions of this Act. The said comptroller, with the approval of the Governor, shall have the power and authority to increase or decrease the premium rates at any time to such an extent as in their judgment is warranted.

SECTION 13. This Act shall take effect upon its passage and approval by the Governor.

SECTION 14. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Pending further consideration of which;

RECESS

At 1:15 P. M., on motion of Mr. McDaniel, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—TWENTY-SECOND DAY

Tuesday, March 21st, 1933.

The Senate re-assembled at 3: o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden			

—33

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bains:

H. 344. To further regulate, provide for and require bonds of County officials and employees and clerks, deputies and employees in County offices: To provide for the fixing and approving of such bonds; and to provide upon what conditions and the manner in which sureties on official bonds may be relieved therefrom.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 344, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Poole:

H. J. R. 95. RESOLVED by the House, the Senate concurring, That when the two Houses adjourn today, they adjourn to meet again on Thursday, March 23, 1933, at ten o'clock, A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hildreth, H. J. R. 95, set out in the foregoing Message from the House, was concurred in and adopted.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

S. 161. To authorize and provide a fund to be known as the State Security Fund, which is to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all Departments, Agencies, Institutions, Boards and Commissions of the State and the several counties of the State from loss on account of the acts of any officers, agents and employees of the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a certificate of indemnity payable out of said security fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respects be governed by Chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this Act shall be under the State Comptroller; to provide for the expense of administration of this Act.

And the following substitute therefor reported by the Standing Committee on Finance and Taxation.

Substitute for S. 161:

A BILL

To be entitled An Act to authorize and provide a fund to be known as the State Surety fund, which is to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State from loss on account of the acts of any officers, agents and employees of the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties of the State as herein provided; to require all of said officers and employees herein designated before entering upon the discharge of their duties to secure a Certificate

of Indemnity payable out of said surety fund to be issued by the State Comptroller and approved by the Governor in an amount to be fixed as is now or may hereafter be provided by law for official bonds of such officers and employees; to provide that said certificate of indemnity when duly executed, filed and recorded shall have the same force and effect as the filing of bonds as now provided by law; to provide that all certificates of indemnity shall in all respect be governed by chapter 45 of the Code of Alabama in so far as it is applicable; to provide for an emergency appropriation to be used only in case of loss in excess of premiums collected and a sinking fund to pay losses; to provide that the administration of this Act shall be under the State Comptroller; to provide for the expense of administration of this Act.

Be it enacted by the Legislature of Alabama:

SECTION 1. A fund is hereby created is to be known as the State Surety fund to be held by the State Treasurer for the purpose of protecting the State and the several counties of the State and all departments, agencies, institutions, boards and commissions of the State and the several counties from loss on account of the acts of any of said officers and employees.

SECTION 2. That the State Comptroller is hereby constituted and designated as the office through which this act shall be administered and is empowered with such authority as may be necessary to carry out its purposes.

SECTION 3. Before entering upon the duties of their respective offices or employment all officers and employees of the State and the several counties of the State and of all departments, agencies, institutions, boards and commissions must secure a certificate of indemnity from the State Comptroller, with the approval of the Governor, as provided by this Act. Such certificates of indemnity when filed and recorded shall have the same force and effect as any bond now required by law to be given by any of the said officers of employees and no bond or other security shall be required of any officer or employee. Chapter 45 of the Code of Alabama in so far as it is applicable shall apply to and govern all of the certificates of indemnity issued under this Act.

SECTION 4. That the premiums charged for certificates of indemnity as provided for under this Act shall be fixed by the said comptroller with the approval of the Governor and the annual premiums must be collected at the time such certificates are issued. All such premiums or other fund coming into the hands of the comptroller shall be promptly transmitted to the State Treasurer who shall place same to the credit of the State Surety Fund.

SECTION 5. That the premiums collected under the provisions of this Act shall constitute a trust fund to be applied only to the purposes of this Act. That all such funds shall be placed in such depositories as may be approved by the Governor at the best rate of

interest obtainable for time deposits. Such depositors to give suitable bonds of securities for such deposits, such bonds or securities to be approved by the governor; or such funds may be invested in bonds of the United States Government or in bonds of the State of Alabama with the approval of the Governor. That the funds accruing under the operation of this Act shall constitute a sinking fund and surplus which shall be subject to the requisition of the Comptroller with approval of the Governor, for the payments of losses, the necessary expenses of the administration and refunds of unearned premiums.

SECTION 6. That there is hereby appropriated out of the State Treasury the sum of \$250,000.00 to be available only in case of losses in any year and then only in such amount as may be required to pay any loss in addition to the amount of funds on deposit at the time of such loss less the amount set aside for the purposes of the administration and when the sinking fund or surplus shall have reached the sum of \$500,000.00 the surplus above such amount shall be used to reimburse the State Treasury the amount of the amount of the appropriation herein made.

SECTION 7. It shall be the duty of the Comptroller to require such reports and cause such audits to be made as are necessary to protect the State Surety Fund, and it shall be the duty of all officers and employees holding certificates of indemnity to furnish the comptroller, at all times, any information required.

SECTION 8. The State Comptroller, with the approval of the Governor, shall have the power and authority and it shall be his duty to designate depositors for all funds coming into the hands of any of the officers or employees herein designated under color of or by virtue of their office or employment. The Comptroller shall have power and authority, with the approval of the Governor, to cancel any certificates issued under this Act by complying with requirements now provided by law in the case of official bonds.

SECTION 9. In all cases where a certificate of indemnity has been issued to any officer or employee, as herein provided, has been cancelled by the Comptroller, or where the Comptroller for any reason refuses to issue a certificate of indemnity to any officer or employee, such officer or employee may file bond with sureties, as now provided by law, provided that the premium on such bond shall be paid by such officer or employee.

SECTION 10. The provisions of this Act shall not affect, in any manner, bonds now in force, but at the expiration of said bonds, all officers and employees must file certificates of indemnity, as herein provided.

SECTION 11. That no part of these funds shall be used to increase the salary of any State employee and only such clerical force, inspections, and adjustment expense as may be necessary for the economical administration of this Act shall be paid from said funds

and that such expenditures shall be limited to 10 per cent of the total net premiums collected or so much thereof as may be required.

SECTION 12. That the State Comptroller shall and is hereby authorized and empowered to prescribe such forms and such rules and regulations as may be found necessary for the proper administration of the provisions of this Act. The said comptroller, with the approval of the Governor, shall have the power and authority to increase or decrease the premium rates at any time to such an extent as in their judgment is warranted.

SECTION 13. This Act shall take effect upon its passage and approval by the Governor.

SECTION 14. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Mr. Lapsley offered the following amendment to said substitute to-wit:

Amend substitute for S. 161 as follows:

Amend said substitute by adding at the end of Section 4 the following words: "The premiums for said certificates of indemnity shall be paid as follows: Premiums for all certificates of indemnity on behalf of State Officers and employees shall be paid by the State; all certificates of indemnity for County officers and employees shall be paid by the County; and certificates for all other officers or employees shall be paid by such officers or employees respectively as may now or hereafter be provided by law for the payment of premiums upon the officials bonds of such respective officers or employees.

Provided however, that the provisions of this Act shall not require any officer or employee to take out and secure such certificate of indemnity unless such officer or employee is now required by law to execute and file a surety bond. Nothing herein contained shall be construed to make this act applicable to any form of insurance which may be authorized or required by law to be taken or carried by the State or any department, agency, institution, board or commission thereof, or of any County, other than official bonds or indemnity bonds or bonds for the security of any deposit or faithful performance of any official duty or employment. The premiums authorized to be charged shall not exceed the rate now being paid for such bonds.

Which was adopted.

And said committee substitute, as thus amended, was then adopted.

Yeas, 28; nays, 1.

Yeas:

Messrs.:
Bartlett
Beasley
Bonner
Brown

Caffey
Cooper
Coward
Craft

Darden
Delony
Edmundson
Fletcher

Garrett
Goodwin
Hildreth
Hubbard

Kelley	McDowell	Riddle	Teasley
Lapsley	Millsap	Scruggs	Walker
McDaniel	Mullins	Shepherd	Warren
—28			

Nay:—Mr. Duncan — 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 2.

Yeas:

Messrs.:			
Bartlett	Darden	Hubbard	Riddle
Beasley	Delony	Kelley	Scruggs
Bonner	Edmundson	McDaniel	Shepherd
Caffey	Fletcher	McDowell	Teasley
Cooper	Garrett	Millsap	Walker
Cowart	Goodwin	Mullins	Warren
Craft	Hildreth		
—26			

Nay:—Messrs. Duncan and Lapsley — 2

BILLS ON THIRD READING

The bill:

H. 289. To regulate the use of State owned motor propelled vehicles and motor propelled vehicles owned by any institution supported wholly or in part by State funds; and motor propelled vehicles for which the motor fuel or tag is furnished by the State or any institution supported wholly or in part by State funds.

Was read a third time at length and passed.

Yeas, 18; nays, 4.

Yeas:

Messrs.:			
Bartlett	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Darden	Hildreth	McDowell	Walker
Delony	Hubbard	Scruggs	Warren
Duncan	Kelley		
—18			

Nays:—Messrs. Brown, Cowart, Lapsley and Millsap — 4

The bill:

H. 6. To provide that the maximum amount allowable to persons traveling in the service of the State of Alabama or any of its agencies or institutions for expenses other than actual expense of transportation shall be \$3.00 per diem.

Was read a third time at length and passed.

Yeas, 24; nays, 1.

Yeas:

Messrs.:			
Bartlett	Bonner	Cowart	Darden
Beasley	Cooper	Craft	Delony

Duncan
Fletcher
Garrett
Goodwin

Hildreth
Hubbard
Kelley
Lapsley

Lusk
McDaniel
McDowell
Millsap

Mullins
Shepherd
Walker
Warren

—24

Nay:—Mr. Brown

— 1

The bill:

H. 78. To reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. 78 as follows:

Amend Section 1 of said bill to read as follows:

Section 1. That the salary of the ex officio clerk of the Inferior Civil Court in Mobile County be and the same is hereby fixed at \$2100. per year, payable in twelve equal monthly installments out of the Treasury of Mobile County, Alabama.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDowell
Millsap

Mullins
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell

Millsap
Mullins
Riddle
Scruggs
Shepherd
Walker
Warren

—30

The bill:

H. 81. To reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. 81 as follows:

Amend Section 1 by striking out the figures "\$2,700.00" and insert therefor the figures: "\$3,000.00".

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin	Millsap	Wikle
Craft	Hildreth		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lusk	Shepherd
Caffey	Faulk	McDaniel	Walker
Cooper	Fletcher	McDowell	Warren
Cowart	Garrett	Millsap	Wikle
Craft	Hildreth		

—30

The bill:

H. 80. To reduce and fix the salary of the clerk to the Jury Board of Mobile County.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. 80 as follows:

Amend Section 1 of said bill by striking out the figures "\$900.00" and substitute therefor the figures "\$1200.00".

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Mullins
Beasley	Delony	Kelley	Riddle
Bonner	Duncan	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Hildreth	Millsap	Warren
Craft	Hooton		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Brown	Faulk	Lusk	Teasley
Caffey	Fletcher	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

—30

The bill:

H. 72. To reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Riddle
Beasley	Duncan	Kelley	Scruggs
Bonner	Edmundson	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—30

The bill:

H. 98. To fix the compensation of members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of said County; and to provide for the payment of such compensation; and to repeal all laws in conflict herewith; and to provide when this act shall go into effect.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. 98 as follows:

1. By striking out Section 4 of said bill.
2. By adding Section 5.

Section 5. This Act shall take effect at the expiration of the present term of County Commissioners as members of the Board of Revenue for the County of Mobile.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Faulk	Lusk	Walker
Cooper	Fletcher	McDaniel	Warren
Cowart	Garrett	Millsap	Wikle
Craft	Hildreth		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Deloney	Hubbard	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Warren
Cowart	Garrett	Millsap	Wikle
Craft	Goodwin		

—30

The bill:

H. 94. To prohibit the Board of School Commissioners of Mobile County from employing any legal advisor or attorney at the expense of said Commission or payable out of the funds of said Commission.

Was taken up.

The Standing Committee on Local Legislation reported the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to authorize the Board of School Commissioners of Mobile County to employ a legal advisor or attorney at the expense of said Commission and payable out of the funds of said Commission.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of School Commissioners of Mobile County are hereby authorized to employ legal advisor or attorney at the expense of said Commission, said salary not to exceed Twelve Hundred (\$1200.00) Dollars a year, payable in monthly installments, out of the funds of said Commission.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Brown	Cowart	Delony
Beasley	Caffey	Craft	Duncan
Bonner	Cooper	Darden	Edmundson

Faulk	Hubbard	Millsap	Shepherd
Fletcher	Kelley	Mullins	Walker
Garrett	Lapsley	Riddle	Warren
Goodwin	Lusk	Scruggs	Wikle
Hildreth	McDaniel		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:			
Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Faulk	Lusk	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin		

—30

The bill:

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Lusk	Shepherd
Beasley	Garrett	McDaniel	Teasley
Brown	Goodwin	McDowell	Walker
Craft	Hildreth	Mullins	Warren
Darden	Hubbard	Scruggs	

—19

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Clayton:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every County of the State of Alabama whose boundary lines have been altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 423, to the Committee on County and County Boundaries.

BILL INDEFINITELY POSTPONED

On motion of Mr. Craft, further consideration of the bill:

H. 103. To reduce and fix the salary of the first Deputy Clerk of the Inferior Criminal Court in Mobile County.

Was indefinitely postponed.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL
Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-second Legislative Day approved.

ADJOURNMENT

At 4: P. M., on motion of Mr. Mullins and pursuant to joint resolution heretofore adopted, the Senate adjourned until Thursday, March 23rd, 1933, at 10: A. M.

TWENTY-THIRD DAY

Thursday, March 23rd, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. H. V. Carson, of Montgomery:

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin
Hildreth

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Wikle, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts a bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Teasley:

S. 200. To reduce all salaries and all allowances payable to any and all State and/or County officers and/or their employees, and all county employees for other expenses and ex-officio services and/or for ex-officio service and expenses of maintaining the office of any representative of the State Tax Commission having charge of the equalization and adjustment of taxes on property and/or for defraying any and all expenses incidental to the proper conduct of their offices, including extra clerical help and stenographic help, and for ex-officio services of Circuit Solicitor in attending the Juvenile and domestic relations Court, and for the performance of such other duties as are not now provided by law, where such salaries and allowances are fixed by the Legislature, and payable in whole or in part out of the County Treasury, in all counties in this State having a population of not less than 75,000, and not more than 110,000 inhabitants according to the last or any succeeding Federal Census, twenty per cent; and to fix said salaries and allowances at eighty per cent of same as shown by the pay roll of said counties as of January 1st, 1933; to provide that this Act shall take effect on the first day of the month next succeeding the ratification by the people of an amendment to the Constitution, designated as Article XXIV thereof, and known as the "Sparks amendment"; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Hildreth, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 421. To repeal an Act of the Legislature entitled, "An Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the first Monday of November, 1934, which is more than three months after the final adjournment of the present session of the Legislature at which the amendment is proposed, an amendment to the Constitution of Alabama declaring that from and after its adoption

the Legislature may by general or local law without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed, and that upon the adoption of said amendment the salary of each Commissioner of the City of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers", No. 250 (H. 572—Sossaman), passed by the House of Representatives October 7, 1932, and passed by the Senate November 1, 1932.

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 186. To Amend Section 2134 (1319) of the Alabama Code of 1923.

By Mr. Lapsley (with substitute):

S. 146. To provide for the validation and legalization of licenses heretofore issued under authority of law to physicians and surgeons; to provide for the issuance of duplicates; and to provide for the recordation of such licenses.

By Mr. Craft:

S. 187. To amend Section 2125 (1312) of the Alabama Code of 1923.

By Mr. Craft:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

By Mr. Holland:

H. 390. To fix and limit the amount that may be expended and allowed by Assistant Examiners of public accounts for travelling and other expenses, and to provide that they shall not draw any expenses or allowance for expenses or transportation except when they are out of the city of Montgomery on official business.

By Mr. Lapsley:

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the court house may have telephones.

Mr. Edmundson, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 193. To provide for the Rate of Exchange to be charged by banks in the State of Alabama.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callaway (by request):

H. 354. To authorize all cities and towns within the State of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken, to fix and collect licenses for any business, trade or profession done or carried on outside the corporate limits but within the police jurisdiction thereof.

By Mr. Stewart (with notice and proof):

H. 235. To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent of Education shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education, and his successors, shall commence their terms of office.

By Mr. Sossaman:

H. 383. To provide, in all cities in the State of Alabama having a population of not less than 68,000 and not more than 150,000, according to the last or any subsequent Federal census, additional monies for special funds, known as "Policemen's and Firemen's Pension and Relief Funds", as now or hereafter may be provided for by "An Act to create in all cities in the State of Alabama, having a population of not less than 50,000 nor more than 150,000, according to the last or any subsequent Federal census, special funds to be known as 'Policemen's and Firemen's Pension and Relief Funds', to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of

warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire Departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriations for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona-fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision", approved September 7, 1923.

By Mr. Craft:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies by whatever name called, in all counties of this State having a population of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabitants, according to the last or any succeeding Federal Census, to issue to school teachers to whom the State and County are indebted for teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers as of the date of the passage and approval of this Act; and to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply, pro rata and equitably, not less than fifteen per cent of all State and County school funds coming into its possession, to the reduction of and payment of indebtedness due school teachers who have taught in the public schools of such counties.

By Mr. Craft (with notice and proof):

S. 196. To amend Section 4 of an Act entitled "An Act to further regulate the public school system of the County of Mobile by establishing a Board of School Commissioners for Mobile County, of five members, in the place and stead of the Board of School Commissioners of Mobile County, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and, to that end, to abolish the Board of

School Commissioners of Mobile County as now constituted," approved August 22, 1919.

By Mr. Craft (with notice and proof):

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

By Mr. Edgar:

H. 275. To require that all County officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond.

Mr. Scruggs, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shepherd:

S. 198. To amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Mr. Beasley, chairman of the Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Barber:

H. 350. To further provide for the issuance of State Hunting Licenses within the State of Alabama.

ADVERSE REPORT

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Culver:

H. 21. To further regulate the procedure in suits at law now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July 1935, wherein recovery is sought on an indebtedness secured by a mortgage and to provide for credits to be allowed on such mortgage.

By Mr. Culver:

H. 22. To further regulate the procedure in equity proceedings now pending or hereafter brought in the interim between the approval of this act and the 1st day of July, 1935, wherein the foreclosure of a mortgage is sought, and to provide for credits to be allowed on such mortgage.

LEAVES OF ABSENCE

On motion of Mr. Duncan, leave of absence was granted Mr. Hooton for today.

On motion of Mr. Darden, leave of absence was granted Mr. Faulk for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McClendon (with notice and proof):

H. 429. To provide for the disposition of all moneys paid into the County Treasury of St. Clair County, Alabama, as proceeds of the excise Tax of one cent per gallon levied on all gasoline and other motor fuels, under the terms and provisions of House Bill No. 743, approved by the Legislature of Alabama on July 27, 1931; and to provide the manner in which St. Clair County shall dispose of and use its part of the said excise tax gasoline moneys coming to and belonging to St. Clair County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

To The People Of St. Clair County, Alabama:

Notice is hereby given that at the present session of the Legislature of the State of Alabama, convened by the Governor of this State on the 31st day of January, 1933, I will introduce a bill affecting St. Clair County, Alabama, the purpose of which bill will be to provide the manner in which the county governing body of St. Clair County shall use, spend or dispose of the one cent gasoline tax moneys to which St. Clair County is entitled under an Act of the Legislature approved July 27, 1931; and the proposed bill will provide that it shall be the duty of the county governing body of St. Clair County, Alabama, to use, dispose of or spend the said one cent gasoline moneys to which St. Clair County is entitled, for the purpose of paying and retiring good road bonds issued and sold by St. Clair County, Alabama, in the year 1907 the amount of said bonds being \$85,000.00.

Perkins McClendon, Representative, St. Clair County,
Legislature of Alabama.

State of Alabama, }
St. Clair County. }

I hereby certify that the attached law was published four weeks in the Southern Aegis, a newspaper published in Ashville, St. Clair County in issues of:

Feb. 10, 1933; Feb. 17, 1933; Feb. 24, 1933; March 3, 1933.

B. B. CATHER,
Manager, Southern Aegis.

Subscribed before me this 10th day of March, 1933.

IRENE E. HODGES,
Notary Public.

(Seal)

Also:

By Mr. McClendon (with notice and proof):

H. 430. To repeal an Act entitled "An Act to provide for the establishment, maintenance, repair and regulations of public highways, including bridges and ferries, in St. Clair County", approved September 29, 1919.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the extraordinary session of the legislature of Alabama which was convened January 31, 1933 the following bill will be introduced and its passage requested, to-wit:

A BILL To Be Entitled AN ACT

To repeal an Act entitled "An Act to provide for the establishment, maintenance, repair and regulations of public highways, including bridges and ferries, in St. Clair county" approved Sept. 29, 1919.

Be It Enacted By The Legislature of Alabama: Section 1. That the Act of the Legislature of Alabama, entitled "An Act. To provide for the establishment, maintenance, repair and regulations of public highways, including bridges and ferries, in St. Clair county, approved Sept., 29, 1919, be and the same is hereby repealed.

State of Alabama, }
 St. Clair County. }

I hereby certify that the attached law was published four weeks in the Southern Aegis, a newspaper published in Ashville, St. County, in issues of: Feb. 10, 1933; Feb. 17, 1933; Feb. 24, 1933; March 3, 1933.

B. B. CATHER,
 Manager, Southern Aegis.

Subscribed before me this March 10, 1933.

IRENE E. HODGES,
 Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
 Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committee as follows:

H. 429 and 430 to the Committee on Local Legislation.

RESOLUTIONS

The Rules Committee reported the following Senate resolution:

S. R. 51. Resolved by the Senate, that S. 183 on page 9 of the calendar, known as the Lapsley-Lusk Salary reducing bill, be made a special, paramount and continuing order for 3: P. M. today, March 23rd, 1933.

And on motion of Mr. Powell, said resolution was put upon its immediate passage and adopted, and said bill, S. 183, made a special, paramount and continuing order for 3: p. m., today.

Mr. Hildreth offered the following joint resolution:

S. J. R. 52. Be It Resolved by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again on Friday, March 24th, 1933 at 10: o'clock.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 78. To reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

H. 80. To reduce and fix the salary of the clerk of the Jury Board of Mobile County.

H. 81. To reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

J. H. Stewart,
 Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendments to the following House bills:

H. 94. To prohibit the Board of School Commissioners of Mobile County from employing any legal advisor or attorney at the expense of said Commission or payable out of the funds of said Commission.

Also:

H. 98. To fix the compensation of members of the Board of Revenue and Road Commissioners of Mobile County for services actually performed by said officers as members of the Board of Review of said County; and to provide for the payment of such compensation; and to repeal all laws in conflict herewith; and to provide when this act shall go into effect.

And requests a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the above bills.

The Speaker named as a Committee of Conference on the part of the House: Messrs. Sossaman, Taylor and Granade.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Craft, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 94, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as a Conference Committee on part of the Senate, Messrs. Craft and Bartlett.

On motion of Mr. Craft, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 98, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as a Conference Committee on part of the Senate, Messrs. Craft and Bartlett.

BILL TEMPORARILY POSTPONED

On motion of Mr. Hubbard, further consideration of the bill:

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by State funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or Acts.

Was postponed until the 28th Legislative Day.

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Teasley gave to the Senate the following notice in writing:
"Notice is hereby given that a motion will be made on the next Legislative Day, immediately after reports of standing committees, to take from the adverse calendar H. 21 and H. 22, and place them on the regular calendar of the Senate. Said bills having been ad-versed by the Judiciary Committee.

Teasley."

BILL INDEFINITELY POSTPONED

On motion of Mr. Craft, further consideration of the bill:

H. 102. To prohibit the Board of Revenue and Road Commis-sioners of Mobile County, the Treasurer of Mobile County and all other agencies of Mobile County from employing any legal advisor or attorney at the expense of the County.

Was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 6. To provide that the maximum amount allowable to per-sons traveling in the service of the State of Alabama or any of its agencies or institutions for expenses other than actual expense of transportation shall be \$3.00 per diem.

Also:

H. 72. To reduce and fix the compensation of the Judge of the Inferior Criminal Court in Mobile County and to fix the time when this Act shall go into effect.

Also:

H. 279. To repeal an Act "To provide for establishing, con-structing and maintaining public roads and bridges in counties now having, according to the last federal census, or that may here-after have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local High-way Commission, and to create in lieu of such Highway Commis-sion for such counties, a Board of Public Road and Bridge Com-missioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and to provide for their compensation," approved February 16, 1931.

Also:

H. 282. To repeal an Act "To amend Section 1 of an Act en-titled An Act to provide for establishing, constructing and main-taining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to

any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board; and provide their compensation. Approved the 16th day of February, 1931."

Also:

H. 289. To regulate the use of State owned motor propelled vehicles and motor propelled vehicles owned by any institution supported wholly or in part by State funds; and motor propelled vehicles for which the motor fuel or tag is furnished by the State or any institution supported wholly or in part by State funds.

Also:

H. 294. To repeal an Act providing for the establishing, construction and maintaining of public roads and bridges in Cullman County, Alabama; creating a highway commission for said County, and defining its powers, jurisdiction and duties.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; nays, 2.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Cooper
Coward

Craft
Darden
Duncan
Garrett

Goodwin
Hubbard
Kelley
Lapsley

McDaniel
Mullins
Walker
Wikle

—17

Nays:—Messrs. Delony and McDowell

— 2

The bill:

H. 385. To authorize any county, city or incorporated town of the State of Alabama subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city, or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

Was taken up.

The Standing Committee on Municipalities and Municipal Organizations reported the following amendment to said bill, to-wit:

Amend H. 385 as follows:

Amend Section 18 so as to read as follows:

Section 18. The governing body may provide in the ordinance authorizing the issuance of bonds under the authority of this Act, that no free service shall be furnished by any such system or combined system to the county, city or incorporated town or to any agency, instrumentality, person, firm or corporation. The reasonable cost and value of any service rendered to any such borrower by any such system or combined system shall, in that event, be charged against the borrower and shall be paid for monthly as the service accrues from the current funds, or from the proceeds of taxes which such borrower, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for that purpose, and such funds, when so paid, shall be accounted for in the same manner as other revenues of such system or combined system.

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Cooper
Craft

Darden
Delony
Duncan
Garrett
Goodwin

Hildreth
Hubbard
Lapsley
McDowell

Mullins
Riddle
Scruggs
Wikle

— 18

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Lapsley	Scruggs
Beasley	Duncan	Millsap	Shepherd
Brown	Garrett	Mullins	Walker
Caffey	Goodwin	Powell	Warren
Cooper	Hildreth	Riddle	Wikle
Darden	Hubbard		

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Nay:—Mr. Edmundson

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 52. Relative to the adjournment of the two Houses until Friday, March 24, 1933, at ten o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

RECESS

At 10:50 A. M., on motion of Mr. Powell, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—TWENTY-THIRD DAY

Thursday, March 23rd, 1933.

The Senate re-assembled at 3: o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Riddle
Bonner	Duncan	Lapsley	Scruggs
Brown	Edmundson	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cowart:

S. 201. To amend Section 3760 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Darden:

S. 202. To amend An Act entitled An Act "To regulate the operation of trucks and other vehicles on the highway so as to better protect, or, prevent the injuring and the killing of, school children,—pupils or students—while being transported to and from school on school buses, and to provide penalties for violating the provisions of this Act," approved November 8th, 1932, General Acts of Alabama, Extra Session, 1932, pages 216-225, both inclusive.

Committee on Public Roads and Highways.

By Mr. Duncan:

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that at the extraordinary or special session of the Legislature of Alabama, called to meet January 31st, 1933, in the city of Montgomery, by the Governor of Alabama, the following bill will be introduced and enacted into a law by said Legislature, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That a County Superintendest of Education for Chilton County, Alabama, shall be elected by the qualified electors of Chilton County, Alabama.

Section 2. That immediately after the passage of this Act, a special election shall be called, by the Probate Judge of Chilton County, and held in Chilton County, Alabama, the expenses thereof to be paid out of the general funds of said County, for the purpose of electing a County Superintendent of Education for said County, by the qualified electors thereof, who shall assume the duties of his office July 1, 1933, and shall hold office until his successor is elected and qualified, at the General Election to be held, on the Second Tuesday in November, 1934, at which time his successor in office shall be elected, and thereafter the Superintendent of Education of Chilton County, shall be elected quadrennial, and hold office for a term of four years, unless removed for good cause, nominations for this office shall be made in

the Primary Elections as provided for the other County offices.

Section 3. That the salary of the said Superintendent of Education shall be fixed by the County Board of Education of Chilton County, Alabama, which salary shall not be less than \$1800.00 nor more than \$2400.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of the County Superintendents of Education in the several counties of the State.

Section 4. That said county superintendent shall be charged with the same duties and shall exercise the same powers as are now or as may hereafter be provided by the General Laws of the State of Alabama, in the conduct of the office of county superintendent of education and no person shall be eligible for political party nominations of for election to the office of county superintendent of education of Chilton county, who is not a qualified elector of the county and possesses all other qualifications required under the General Laws of this State for County Superintendent of Education. Provided, however, that if no person meeting these requirements qualifies for election as provided in this Act, the County Board of Education shall appoint a Superintendent of Education, as provided by the General Law regulating the appointment of superintendents.

Section 5. That in the event of a vacancy in said office for any cause, such vacancy, shall be filled by the County Board of Education, and the person so appointed shall hold office until the next general election thereafter, when his successor shall be elected, that should any County Superintendent be removed for cause by the County Board of Education of Chilton County, such vacancy shall be filled by appointment of the County Board of Education. Provided, that the County Board of Education may remove the County Superintendent of Education for immorality, misconduct in office, incompetency, or willful neglect of duty, or when the best interests of the schools require it, any of which cases must be alleged and proved and the County Superintendent of Education shall have the right to be heard in his defense as in cases of impeachment against County officers, and all such hearings shall be conducted as in cases provided under the general laws for impeachment of county officers.

Section 6. That the duties and powers prescribed by the general laws of Alabama for the office of County Superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the County Superintendent. The County Superintendent, elected or appointed under the provisions of this Act and before entering upon the duties of said office, must take the oath of office prescribed by the Constitution, and give bond in the amount to be fixed by the State Board of Education in a reputable Surety Company authorized to do business in Alabama, conditional upon the faithful performance of the duties of his office, and for the accounting and paying over to the proper authorities all moneys coming into his hands.

Section 7. That if any part of this Act shall be declared unconstitutional it shall not affect the other provisions of it.

Section 8. That all laws and parts of laws in conflict with the provisions of this Act be and are hereby repealed.

The State of Alabama, }
Chilton County. }

Before me, E. C. Parrish, a Notary Public, for said County and in said State, personally appeared Billie Smith, who, being first duly sworn, deposes and says, on oath: That he is editor and publisher of the Chilton County News, a newspaper published in Clanton, in the County of Chilton and State of Alabama; that said Chilton County News is a weekly newspaper; that the printed notice which is pasted to and attached to this affidavit, advertising a local bill to provide for the election of the Superintendent of Education of Chilton County, has been duly published in and appeared in the regular issues of said Chilton County News, once each week for four (4) consecutive

weeks, in the issues of said paper of the dates as follows: February 9th, 1933, February 16th, 1933, February 23rd, 1933, and March 2nd, 1933.

BILLIE SMITH,

Editor and Publisher of the Chilton County News.

Sworn to and subscribed before me, on this the 7th day of March, 1933.

E. C. PARRISH,

Notary Public.

(Seal)

REPORT OF COMMITTEE

Mr. Riddle, chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clayton:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every County of the State of Alabama whose boundary lines have been altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

RESOLUTION

Mr. Cowart offered the following Senate resolution:

S. R. 53. WHEREAS, There is now pending before the Senate of the State of Alabama, S. 176, a copy of which is hereto attached, and

WHEREAS, Section 106 of Article IV of the Constitution of Alabama reads as follows:

Sec. 106. No special, private or, local law shall be passed on any subject not enumerated in Section 104 of this constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be effected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties, or if there is no newspaper published therein, then by posting the said notice for four consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof by affidavit that said notice has been given shall be exhibited to each house of the legislature, and said proof spread upon the journal. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

AND, WHEREAS, Section 39 of Article II of the Constitution of Alabama contains the following language:

"The Legislature may by a vote of two-thirds of each House thereof arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote * * * *

THEREFORE, BE IT RESOLVED by the Senate that the Justices of the Supreme Court of Alabama, or a majority thereof, are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama of 1923:

1. As to whether or not said S. 176 is a private or local law, which is required to be published as required by said Section 106 of the Constitution.

2. As to whether or not said bill is required by said Section 106 of the Constitution to be advertised in both Winston County and Marion County, the two counties affected by said bill.

3. As to whether the above quoted language from Section 39 of the Constitution of Alabama exempts said S. 176 from the requirements as to advertising, provided for in said Section 106 of the Constitution.

And, on motion of Mr. Shepherd, the rules were suspended and the resolution adopted.

The Rules Committee reported the following Senate resolution:

S. R. 54. Be it Resolved by the Senate that a vote be taken on the pending bill S. 183 and all pending amendments thereto at 4:15 o'clock P. M. today if not sooner disposed of.

And on motion of Mr. Powell, the resolution was put upon its immediate passage and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Culver:

H. 273. To amend Sections 3057 and 3058 of the Code of Alabama of 1923.

Also:

By Mr. Morrow:

H. 299. To amend Section 19 of an act entitled, "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and

maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act; and to provide for the going into effect of the various sections of said Act as amended," approved August 15, 1923.

Also:

By Mr. Reeder:

H. 326. To extend to lands within the watershed of the Tennessee River in Alabama the provisions of the Act entitled "An Act to give consent of the State of Alabama to and for the acquisition by the United States of such lands within the State as may be needed for the consolidation and administration of National Forests," approved March 4, 1931.

Also:

By Mr. Barber (with notice and proof):

H. 427. To authorize and empower the County Commission of Jefferson County, Alabama, to maintain not more than ten beds for charity and emergency patients in some hospital located in the City of Bessemer, Alabama; to provide for the rules and regulations governing the admission of patients to such beds; to authorize and empower the County Commission of Jefferson County, Alabama, to appropriate funds out of the General Fund of Jefferson County, Alabama, for the maintenance of such beds, not to exceed the cost of maintenance of beds in any hospital maintained by the County Commission of Jefferson County for Charity patients, of a similar number of beds; to provide for the date upon which this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

To Whom It May Concern:

Take notice that the following bill or a bill in substance as follows will be introduced in the Legislature at the special session which convened on the 31st day of January 1933, and its passage requested and that this notice is given as provided by Section 106 of the Constitution of Alabama of 1901.

A Bill To Be Entitled An Act

To authorize and empower the County Commission of Jefferson County, Alabama, to maintain not more than ten beds for charity and emergency patients in some hospital located in the City of Bessemer, Alabama; to provide for the rules and regulations governing the admission of patients to such beds; to authorize and empower the County Commission of Jefferson County, Alabama, to appropriate funds out of the General Fund of Jefferson County, Alabama, for the maintenance of such beds, not to exceed the cost of maintenance of beds in any hospital maintained by the County Commission of Jefferson County for Charity patients, of a similar number of beds; to provide for the date upon which this act shall become effective.

Dr. S. W. Wright.

Bess. Tribune - Advertiser

Jefferson County, }
Bessemer, Alabama. }

Personally Appeared before me, a Notary Public in and for said county, said state, Howe Price, who being duly sworn, deposes and says:

That he is the publisher of the Bessemer Tribune-Advertiser, and that the notice of An Act relating to county hospital facilities at Bessemer, as shown by the attached clipping of said advertisement, was published in said newspaper the weeks of February 3, 10, 17 and 24, 1933.

HOWE PRICE,
Publisher Bess. Tribune-Advertiser.

Howe Price, who is known to me personally, signed the foregoing in my presence this 9th day of March, 1933.

W. T. GOLSON, JR.,
Notary Public.

(Seal)

Also:

By Mr. Manasco (notice and proof):

H. 437. To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the present called session of the Legislature of Alabama a bill to be entitled an Act to create the office of day jail guard and night jail guard for Walker County, Alabama; to provide for their appointment, fix the compensation, and term of office.

The substance of such Act will be the creation of the office of day and night jail guards for Walker County, Alabama; to provide that the Sheriff appoint such guards; to provide they hold office at the will of the Sheriff appointing them; to provide their duties, fix their salaries, and provide for payment of same; to repeal all laws, local or general, in conflict therewith, and make said Act go into effect immediately upon its passage and approval.

This the 21 day of Feb., 1933.

A. N. BARRENTINE.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared Irving A. Dove, Publisher of The Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached was published in the said Jasper Advertiser once a week for 4 consecutive weeks namely Feb 22, March 1, 8, 15.

MRS. IRVING A. DOVE,
Publisher.

Sworn and subscribed to before me, this 15 day of March, 1933.

J. BAINE COONER,
Notary Public.

(Seal)

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 273, to the Committee on Finance and Taxation.

H. 299 and H. 427, to the Committee on Banking and Insurance.

H. 326, to the Committee on Fish, Game and Forestry.

H. 437, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Robinson:

H. 303. To amend an Act entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' commission for said counties; and to provide a penalty for a violation of the provisions thereof," which became a law July 24, 1931, under Section 125 of the Constitution.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 303, to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Taylor:

H. 178. To amend an Act of the Legislature of Alabama, approved September 9, 1927, (General Acts of Alabama of 1927, page 564) to advance the cause of education, etc., by striking therefrom the last thirteen words thereof.

Also:

By Mr. DeSear:

H. 402. To Amend Section 7419 of the Code of Alabama, 1923.

Also:

By Mr. DeSear:

H. 403. To amend Section 7420 of the Code of Alabama, 1923.

Also:

By Mr. DeSear:

H. 404. To amend Section 7418 of the Code of Alabama, 1923.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 178, to the Committee on Education.

House Bills 402, 403, and 404, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

ordered same sent forthwith to the Senate without engrossment:

By Mr. Bains:

H. 319. To amend Section 7599 of the Code of Alabama of 1923, and to repeal all laws and parts of laws in conflict with said Section as hereby amended.

Also:

By Mr. Kelly of Talladega:

H. 214. To amend Section 6665, as amended by the Acts of 1927, approved August 5, 1927, and as amended by the Acts of 1931, approved May 27, 1931.

Also:

By Mr. Allen:

H. 24. To amend Section Two of an Act entitled "An Act to permit automobile, automobile truck and other motor vehicle license and license tags to remain with the automobile, automobile truck or other motor vehicle for which they were purchased, and to be used by the new owner of such automobile, automobile truck or other motor vehicle and to require proper record in the Probate Office and in the State Tax Commissioner's Office of such change of ownership, and to prohibit any motor vehicle license tag being transferred from one motor vehicle to another or being used on any motor vehicle except the one for which it was originally taken out", approved May 23, 1931.

Also:

By Mr. Edgar:

H. 276. To provide that in all counties which now have or may hereafter have a population of Sixteen thousand and not more

than Seventeen thousand according to the last or any subsequent Federal Census the cost of stamps and telephones used by the county officers shall not be paid for by the counties.

Also:

By Mr. Edgar:

H. 338. To amend Section 1 and to repeal Sections 2, 3, and 3½ of an act entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932.

Also:

By Mr. Edgar:

H. 277. To amend Section 2 of an Act entitled: "An Act to regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one half of one per cent alcohol," passed over the Governor's veto, October 6, 1932.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 319 and H. 214, to the Committee on Judiciary.

H. 24, H. 338 and H. 277, to the Committee on Finance and Taxation.

H. 276, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 13. To amend Section 3089 of the Alabama Code of 1923.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelley, the Senate concurred in the following amendment by the House to S. 13, the title of which is set out in the foregoing Message from the House, to-wit:

Substitute for Senate Bill No. 13:

A BILL

To be entitled An Act to amend Section 3089 of the Code of Alabama of 1923.

Be it enacted by the Legislature of Alabama:

Section 3089 of the Code of Alabama of 1923 be and the same is hereby amended so that said Section will read as follows:

SECTION 3089. The Tax Collector must also on or before the 1st day of December in the years 1933-1934 and 1935 and on or before the 1st day of September of each and every year thereafter make a final settlement, under oath, with the county treasurer, or, if there be no county treasurer in the county, with the custodian of the funds of the county, for all the county taxes which have been assessed and levied for the use of the county, and then pay over to the county treasurer, or if there be no county treasurer in the county, with the custodian of the funds of the county, the balance of the county tax due from him as such tax collector, and not paid over prior to that date.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Darden

Delony
Duncan
Edmundson
Fletcher
Hildreth

Kelley
Lusk
McDowell
Millsap
Mullins

Shepherd
Walker
Warren
Wikle

—19

SPECIAL ORDER

The Senate proceeded to consider the Special Order for this hour, which was the bill:

S. 183. To fix the salaries of certain officers and employees of the State or any department thereof and to provide how the same shall be paid; to provide that the salaries fixed by this Act shall be in lieu of the salaries now provided by law; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide for the effective date of this Act.

With the following substitute therefor reported by the Standing Committee on Finance and Taxation, to-wit:

Substitute for S. 183:

A BILL

To be entitled An Act to fix the salaries of certain officers and employees of the State or any department thereof and to provide how the same shall be paid; to provide that the salaries fixed by this Act shall be in lieu of the salaries now provided by law; and to provide for the repeal of all laws or parts of laws in

conflict with the provisions of this Act; and to provide for the effective date of this Act.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the annual salaries of the officers and employees of the State of Alabama hereinafter named shall be the amounts set opposite the respective offices, positions and employments, and shall be payable in equal monthly installments, viz:

The Commission of Agriculture and Industries.....\$4,000.00

The following salaries are hereby fixed for the officers and employees of the Department of Archives and History:

Director	2,800.00
Curator	2,100.00
Chief Clerk	1,680.00
Librarian	1,400.00
Stenographer-Statistician	1,080.00
File Clerk	1,080.00
Stenographer	1,080.00

The following salaries are hereby fixed for the officers and employees of the office of the Attorney General:

Attorney General	4,800.00
First Special Assistant Attorney General	3,500.00
Second Special Assistant Attorney General	2,800.00
Third Special Assistant Attorney General	2,520.00
Fourth Special Assistant Attorney General	2,520.00
Fifth Special Assistant Attorney General	2,100.00
Stenographer	1,260.00
2 Stenographers (Each)	1,080.00

The following salaries are hereby fixed for the officers

The following salaries are hereby fixed for the officers

State Auditor	4,000.00
Chief Clerk	2,520.00
2 Assistant Clerks (each)	1,344.00
1 Stenographer	1,080.00

The following salaries are hereby fixed for the officers and employees of the State Pension Commission:

1 Secretary	1,260.00
1 Clerk-Stenographer	1,080.00

and employees of the State Auditor's Office:

and employees of the Banking Department, State of Alabama:

Superintendent of Banks	4,800.00
Assistant Superintendent of Banks	3,500.00
Office Assistant	2,100.00
4 Assistant Examiners (each)	2,100.00
2 Stenographers (each)	1,260.00

The following salaries are hereby fixed for the officers and employees of the State Board of Administration:

Director	4,800.00
1 Watchman	1,080.00
4 Watchmen (each)	1,080.00

The following salary is hereby fixed for the Director of the Child Welfare Department:

Director	2,800.00
The salary of every Circuit Judge in this State shall be	4,000.00
The salary of the Solicitor for each Judicial Circuit, except the 24th, shall be	3,000.00
The salary of the Solicitor for the 24th Judicial Circuit shall be	1,680.00
The salary of the First Deputy Circuit Solicitor for the 10th Judicial Circuit shall be	1,880.00
The salaries of the Second and Third Deputy Circuit Solicitors for the 10th Judicial Circuit shall be (each)	1,260.00
The salary of the Deputy Circuit Solicitor for the 24th	1,680.00

The salary of the Assistant Circuit Solicitor for the 15th Judicial Circuit shall be	1,080.00
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The salaries herein provided for the Circuit Judges and Solicitors or Deputy Solicitors or Assistant Solicitors is the amount or portion thereof to be paid by the State and nothing herein shall be construed to effect any provisions of the law for the payment by any County of any addition amount of salary to any such officer or officers.

The salary of the Judges and employees of the Court of Appeals shall be as follows:

3 Judges (each)	5,280.00
Clerk	2,400.00
Assistant Clerk	1,225.00
Secretary	1,680.00

The salaries of the officers and employees of the State Department of Education shall be as follows:

Superintendent of Education	4,800.00
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The salaries of the Governor and the employees in the office of the Governor shall be as follows:

Governor	6,000.00
Private Secretary	3,000.00
Recording Secretary	1,680.00
Clerk	1,400.00
1 Stenographer	1,080.00
1 Messenger	900.00
Legal Adviser to the Governor	3,600.00

The salaries of the officers and employees of the office of the State Fire Marshall shall be as follows:

Fire Marshall.....	3,600.00
4 Deputy Fire Marshalls (each).....	1,800.00
Clerk	1,200.00

The salaries of the officers and employees of the Game and Fish Department shall be as follows:

Commissioner	4,000.00
Secretary	1,500.00
Bookkeeper	1,800.00

The salaries of the officers and employees of the office of the Geological Survey of Alabama shall be as follows:

State Geologist	3,400.00
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The salaries of the officers and employees of the office of the State Board of Health shall be as follows:

State Health Officer.....	4,800.00
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The salaries of the officers and employees of the office of the State Highway Commission shall be as follows:

Alabama Highway Director.....	4,800.00
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The salaries of the officers and employees of the office of the Bureau of Insurance of the State of Alabama shall be:

Superintendent of Insurance.....	3,600.00
Deputy Superintendent of Insurance.....	2,100.00
Compensation Clerk	1,680.00
Chief Clerk	1,260.00
License Clerk	1,080.00
Record and Filing Clerk.....	1,080.00

The salaries of the officers and employees of the Military Department of the State of Alabama shall be as follows:

Adjutant General	2,800.00
2 Clerks (each).....	1,080.00
1 Stenographer.....	1,080.00
U. S. Property and Disbursing Officer.....	2,400.00
State Property and Disbursing Officer.....	1,800.00
1 Assistant U. S. Property and Disbursing Officer.....	1,800.00
1 Assistant U. S. Property and Disbursing Officer.....	1,500.00
Personal Clerk.....	1,080.00
Finance and Property Clerk.....	50.00

The salaries of the officers and employees of the Inspector of Coal Mines shall be as follows:

Chief Mine Inspector.....	2,800.00
4 Associate Mine Inspectors (each).....	2,100.00

Chief Clerk	1,680.00
Stenographer	1,080.00

The salaries of the officers and employees of the
Public Service Commission shall be:

President of the Public Service Commission	4,800.00
2 Associate Public Service Commissioners	4,300.00
Secretary	2,520.00

The salaries of the officers and employees of the
office of the State Prison Inspector shall be as follows:

State Prison Inspector	2,800.00
Chief Clerk	1,400.00
Deputy Inspector	1,260.00
Stenographer	1,080.00

The salaries of the officers and employees of the
office of the Secretary of State shall be as follows:

Secretary of State	4,000.00
Chief Clerk	2,520.00
Assistant Clerk	1,260.00

The salaries of the officers and employees of the
office of the State Comptroller shall be as follows:

State Comptroller	4,800.00
Warrant Clerk	1,925.00
General Bookkeeper	1,680.00
Assistant Bookkeeper	1,080.00
2 Office Assistants (each)	1,680.00
15 Assistant Examiners (each)	1,680.00
File Clerk	1,080.00
Stenographer	1,080.00

The salaries of the officers and employees of the office
of the State Service Commissioner shall be as follows:

Commissioner	2,520.00
Assistant Commissioner	2,100.00
2 Field Commissioners (each)	1,680.00
Secretary to Commissioner	1,080.00
File Clerk	1,080.00

The salary of the Justices of the Supreme Court and
employees of the Supreme Court shall be as follows:

Chief Justice	6,000.00
6 Associate Justices (each)	6,000.00
Clerk	3,600.00
Assistant Clerk	1,680.00
Reporter of Decisions	2,520.00
Librarian	2,100.00
2 Secretaries (each)	1,680.00
2 Secretaries (each)	1,080.00

Stenographer	1,080.00
Assistant Librarian	1,080.00
Janitor	600.00

The salary of the officers and employees of the office of the State Tax Commission shall be as follows:

Commissioner	4,800.00
Secretary	1,680.00

The salaries of the officers and employees of the office of the State Treasury shall be as follows:

Treasurer	4,000.00
Chief Clerk	2,520.00
Bond Clerk	2,400.00
2 Assistant Clerks (each)	1,400.00
Pension Clerk	1,080.00
Stenographer	1,080.00
Temporary Clerk	1,080.00

SECTION 2. Circuit Judges and Circuit Solicitors in judicial circuits of more than one County shall each receive the sum of \$100.00 per annum for each County of their Judicial Circuit over and above one, the said additional amounts to be in reimbursement for their reasonable expenses while in attendance of Court outside of their home County.

SECTION 3. Nothing herein contained shall repeal any law granting or giving discretion or power to any officer or department of the State of Alabama to discontinue the services of the employees whenever such services are, or may be no longer needed or circumstances or conditions may require or make proper the discontinuance of such services or employment; nor shall this Act be construed to require the employment of any officer or employee appointed by any department or the head thereof.

SECTION 4. Wherever the duties of more than one office, position or employment shall be filled, performed or discharged by one officer or employee, such officer or employee shall only receive the salary named for the highest paid office, position or employment so filled, performed or discharged.

SECTION 5. This Act shall take effect on the first day of the month next succeeding the ratification of any Constitutional Amendment removing or suspending Constitutional restrictions or limitations upon decreasing or diminishing the salary, fees or compensation of any officer, officers or employees during the term for which they shall have been elected or appointed.

SECTION 6. The salaries herein fixed shall be in lieu of the respective salaries now provided to be paid by the State for the respective officers or employees herein named or designated.

SECTION 7. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 8. If any Section or part hereof is held to be unconstitutional it shall not affect or destroy any other Section or part hereof.

On motion of Mr. Teasley, said committee substitute was laid on the table.

Messrs. Lapsley and Lusk offered the following substitute for said bill, to-wit:

Substitute for S. 183:

A BILL

To be entitled An Act to fix, limit or regulate the salaries and compensation of certain officers and employes of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective.

Be it enacted by the Legislature of Alabama:

employees of the State of Alabama hereinafter named shall be the amounts hereinafter set opposite the respective offices, positions and employments, and shall be payable in equal monthly installments, viz: The following salaries are hereby fixed for the officers and employees of the Department of Agriculture and Industries:

Commissioner of Agriculture and Industries	\$3,600.00
Chief Clerk	2,100.00
5 Supervisors (each)	2,400.00
3 Inspectors (each)	1,800.00
1 Inspector	2,100.00
14 Inspectors (each)	1,500.00
Auditor	2,100.00
Seed Analyst	1,800.00
Soil Chemist	2,400.00
2 Assistant Soil Chemists (each)	1,200.00
State Chemist	1,500.00
Assistant Chemist	1,450.00
Assistant Chemist	1,350.00
State Veterinarian	2,100.00
2 Assistant State Veterinarians (each)	1,500.00
Apiary Inspector	2,100.00

The following salaries are hereby fixed for the officers and employees of the Department of Archives and History:

Director	2,700.00
Curator	2,400.00
Chief Clerk	1,500.00

Librarian	1,200.00
Stenographer - Statistician	1,080.00
File Clerk	1,080.00
Stenographer	1,080.00

The following salaries are hereby fixed for the officers and employees of the office of the Attorney General:

Attorney General	4,500.00
First Special Assistant Attorney General	3,000.00
Second Special Assistant Attorney General	2,400.00
Third Special Assistant Attorney General	2,400.00
Fourth Special Assistant Attorney General	2,400.00
Fifth Special Assistant Attorney General	2,400.00
Stenographer	1,320.00
2 Stenographers (each)	1,200.00

The following salaries are hereby fixed for the officers and employees of the State Auditor's Office:

State Auditor	3,600.00
Chief Clerk	2,100.00
2 Assistant Clerks (each)	1,500.00
1 Stenographer	1,080.00

The following salaries are hereby fixed for the officers and employees of the State Pension Commission:

1 Secretary	1,260.00
1 Clerk - Stenographer	1,080.00

The following salaries are hereby fixed for the officers and employees of the Banking Department, State of Alabama:

Superintendent of Banks	4,500.00
Assistant Superintendent of Banks	3,000.00
Office Assistant	2,400.00
4 Assistant Examiners (each)	2,400.00
2 Stenographers (each)	1,200.00

The following salaries are hereby fixed for the officers and employees of the State Board of Administration:

Director	5,500.00
1 Watchman	1,080.00
4 Watchmen (each)	1,080.00
1 Capitol Electrician	1,400.00

STATE BOARD OF ADMINISTRATION, EXECUTIVE OFFICE:

Chief Clerk	2,100.00
Stenographer and Clerk	1,300.00
Chief Accountant	2,100.00
Bookkeeper	1,500.00
Property Clerk	1,500.00

Purchasing Agent	3,000.00
Clerk	1,350.00

CONVICT DEPARTMENT (Montgomery Office)

Assistant Director	3,600.00
Assistant Director	3,600.00
Chief Clerk	2,100.00
Farm Superintendent	2,100.00
Traveling Auditor	1,800.00
Identification Officer	1,800.00
Chaplain	1,350.00
Dentist	1,800.00

ATMORE PRISON, Atmore:

Warden	3,000.00
Deputy Warden	1,350.00
Physician	1,800.00
Pit Superintendent	1,800.00

ALABAMA COTTON MILLS:

2 Overseers (each)	1,800.00
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KILBY PRISON:

Warden	3,000.00
Deputy Warden	1,800.00
Chief Clerk	1,500.00
Physician - Surgeon	2,000.00
Resident Physician	1,800.00
Engineer	2,400.00
Steward	1,350.00
Herdsman	1,500.00

SPEIGNER PRISON:

Warden	1,800.00
Deputy Warden	1,350.00
Overseer and Assistant	1,800.00
Overseer of Carding and Spinning	1,650.00
Superintendent of Cloth Room	1,600.00
Machinist	1,500.00

No. 4 PRISON:

Bookkeeper	1,500.00
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WETUMPKA PRISON:

Warden	1,800.00
Resident Physician	1,800.00

The following salaries are hereby fixed for the officers
and employees of the Child Welfare Department:

Director	2,700.00
Chief Child Labor Inspector	1,800.00
Administrative Assistant and Supervisor	2,400.00
Institution Visitor	1,800.00

1 District Supervisor.....	1,800.00
Assistant Supervisor	1,800.00
Deputy Child Labor Inspector.....	1,500.00
4 District Supervisors (each).....	1,650.00
The salary of every Circuit Judge in this State shall be.....	4,000.00
The salary of the Solicitor for each Judicial Circuit, except the 24th, shall be.....	3,000.00
The salary of the Solicitor for the 24th Judicial Circuit shall be	1,500.00
The salary of the First Deputy Circuit Solicitor for the 10th Judicial Circuit shall be.....	1,800.00
The salaries of the Second and Third Deputy Circuit So- licitors for the 10th Judicial Circuit shall be (each).....	1,260.00
The salary of the Deputy Circuit Solicitor for the 24th Ju- dicial Circuit shall be.....	1,080.00
The salary of the Assistant Circuit Solicitor for the 15th Judicial Circuit shall be.....	1,080.00

The salaries herein provided for the Circuit Judges and Solicitors or Deputy Solicitors or Assistant Solicitors is the amount or portion thereof to be paid by the State and nothing herein shall be construed to affect any provision of the law for the payment by any county of any additional amount of salary to any such officer or officers.

The salaries of the Judges and employees of the Court of Appeals shall be as follows:

3 Judges (each).....	4,800.00
Clerk	2,100.00
Assistant Clerk	1.00
Secretary	1,500.00

The salaries of the officers and employees of the State Department of Education shall be as follows:

1 Stenographer	1,080.00
Superintendent of Education.....	4,200.00
Assistant Superintendent of Education.....	1.00
Chief Clerk	2,700.00
Assistant Chief Clerk.....	2,400.00

The salaries of the Governor and the employees in the office of the Governor shall be as follows:

Governor	6,000.00
Private Secretary	3,000.00
Recording Secretary	1,680.00
Clerk	1,400.00
1 Stenographer	1,080.00
1 Messenger	900.00
Legal Adviser to the Governor.....	4,500.00

The salaries of the officers and employees of the office of the State Fire Marshall shall be as follows:

Fire Marshall	3,600.00
4 Deputy Fire Marshalls (each)	1,800.00
Clerk	1,200.00

The salaries of the officers and employees of the Department of Game & Fisheries shall be as follows:

Commissioner	3,600.00
Secretary	1,200.00
Bookkeeper	1,650.00
Superintendent Fish Hatchery	1,500.00
Superintendent of Fish Inves. Surveys	2,100.00
1st Assistant Fish Culture	2,100.00
2nd Assistant Fish Culture	1,800.00

The salaries of the officers and employees of the office of the Geological Survey of Alabama shall be as follows:

State Geologist	3 000.00
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~~The salaries of the officers and employees of the office of the State Board of Health shall be as follows:~~

State Health Officer	4,500.00
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The salaries of the officers and employees of the office of the State Highway Commission shall be as follows:

Alabama Highway Director	4,500.00
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The salaries of the officers and employees of the office of the Bureau of Insurance of the State of Alabama shall be:

Superintendent of Insurance	3,000.00
Deputy Superintendent of Insurance	2,600.00
Compensation Clerk	1,680.00
Chief Clerk	1,260.00
License Clerk	1,080.00
Record and Filing Clerk	1,080.00

The salaries of the officers and employees of the Military Department of the State of Alabama shall be as follows:

Adjutant General	3,000.00
2 Clerks (each)	1,080.00
1 Stenographer	1,080.00
U. S. Property and Disbursing Officer	2,400.00

(Provided that the annual or monthly salary paid the U. S. Property and Disbursing Officer by the U. S. Government shall be deducted from said \$2,400.00 in fixing the annual and monthly State pay of this employee).

State Property and Disbursing Officer.....	1,800.00
1 Assistant U. S. Property & Disbursing Officer.....	1,800.00
1 Assistant U. S. Property & Disbursing Officer.....	1,500.00
Personnel Clerk	1,080.00
Finance and Property Clerk.....	50.00

The salaries of the officers and employees of the Inspector of Coal Mines shall be as follows:

Chief Mine Inspector.....	2,800.00
4 Associate Mine Inspectors (each).....	2,100.00
Chief Clerk	1,680.00
Stenographer	1,080.00

The salaries of the officers and employees of the Alabama Public Service Commission shall be as follows:

President	4,500.00
2 Associate Commissioners (each).....	4,000.00
Secretary	2,400.00
Recording Clerk	1,350.00
Chief Engineer	3,600.00
Assistant Engineer	2,700.00
Assistant Engineer	2,400.00
Assistant Engineer	2,100.00
Assistant Engineer	1,800.00
Assistant Engineer	1,500.00
Assistant Engineer	1,000.00
Service Engineer	2,100.00
Stenographer and Special Reporter.....	1,500.00
Chief of Bureau of Transportation.....	3,600.00
Rate Clerk	1,620.00
Executive Rate Clerk.....	1,800.00
Assistant Attorney General.....	2,400.00

The salaries of the officers and employees of the office of State Prison Inspector shall be as follows:

State Prison Inspector.....	2,800.00
Chief Clerk	1,400.00
Deputy Inspector	1,260.00
Stenographer	1,080.00

The salaries of the officers and employees of the office of the Secretary of State shall be as follows:

Secretary of State.....	3,600.00
Chief Clerk	2,100.00
Assistant Clerk	1,260.00
2 Stenographers (each).....	1,080.00

The salaries of the officers and employees of the office of the State Comptroller shall be as follows:

State Comptroller	4,800.00
Warrant Clerk	1,925.00

General Bookkeeper	1,680.00
Assistant Bookkeeper	1,080.00
2 Office Assistants (each)	1,680.00
15 Seniors Examiners (each)	2,400.00
15 Junior Examiners (each)	1,500.00
File Clerk	1,080.00
Stenographer	1,080.00
Chief Clerk	2,520.00

The salaries of the officers and employees of the office of the State Service Commissioner shall be as follows:

Commissioner	2,520.00
Assistant Commissioner	2,100.00
2 Field Commissioners (each)	1,680.00
Secretary to Commissioner	1,080.00
File Clerk	1,080.00

The salaries of the Justice of the Supreme Court and employees of the Supreme Court shall be as follows:

6 Associate Justices (each)	5,500.00
Clerk	3,000.00
Assistant Clerk	1,800.00
Reporter of Decisions	3,000.00
Librarian	2,100.00
4 Secretaries (each)	1,200.00
Stenographer	1,200.00
Assistant Librarian	1,200.00
Reporter's Stenographer	1.00
Janitor	1.00

The salaries of the officers and employees of the office of the State Tax Commission shall be as follows:

Commissioner	4,500.00
Secretary	1,800.00
4 Chief Clerks (each)	2,600.00
2 Chief Clerks (each)	1,800.00
Field Agent	2,600.00
1 Clerk	1,500.00
4 Tax Agents (each)	2,100.00
6 Tax Agents (each)	1,500.00
16 Tobacco Tax Inspectors (each)	1,500.00
2 Gasoline Tax Agents (each)	1,500.00

The salaries of the officers and employees of the office of the State Treasurer shall be as follows:

Treasurer	3,600.00
Chief Clerk	3,000.00
Bond Clerk	2,100.00

2 Assistant Clerks (each).....	1,400.00
Pension Clerk	1,080.00
Stenographer	1,080.00
Temporary Clerk	1,200.00

The salaries of the officers and employees of the Alabama Industrial Development Board shall be as follows:

Director	1.00
Assistant Director	1.00

No other officer or employee of said Board shall be paid more than \$1.00 per year.

The salaries of the officers and employees of the State Commission of Forestry shall be as follows:

State Forester	3,600.00
General Inspector and Chief of Bureau of Field Service.....	2,400.00
Division Forester and Technical Assistant.....	2,100.00
Division Forester	1,200.00
Chief Clerk and Accountant.....	2,100.00
Executive Assistant in Field Service.....	1,500.00
Executive Assistant in Public Relations.....	1,500.00

No other employee of said Department or Commission shall be paid more than \$100.00 per month. Any portion of the salaries of said officers or employees which may be paid by the United States shall be deducted from the above specified amounts.

SECTION 2. Circuit Judges and Circuit Solicitors in Judicial circuits of more than one County shall each receive the sum of \$100.00 per annum for each County of their Judicial Circuit over and above one, the said additional amounts to be in reimbursement for their reasonable expenses while in attendance of Court outside of their home County.

SECTION 3. Nothing herein contained shall repeal any law granting or giving discretion or power to any officer or department of the State of Alabama to discontinue the services of the employees whenever such services are, or may be no longer needed or circumstances or conditions may require or make proper the discontinuance of such services or employment; nor shall this Act be construed to require the employment of any officer or employee appointed by any department or the head thereof.

SECTION 4. Wherever the duties of more than one office, position, or employment shall be filled, performed or discharged by one officer or employee, such officer or employee shall only receive the salary named for the highest paid office, position or employment so filled, performed or discharged.

SECTION 5. As to all salaries herein provided for officers or employees not elected or appointed for any term of office and which salaries are subject to reduction now this Act shall become

effective on and after the first day of the month succeeding the approval of this Act; and as to all other salaries herein, this Act shall take effect on the first day of the month next succeeding the ratification of any Constitutional Amendment removing or suspending Constitutional restrictions or limitations upon decreasing or diminishing the salary, fee or compensation of any officer, officers or employees during the term for which they shall have been elected or appointed.

SECTION 6. The maximum salary or compensation which may be paid to any officer or employee of the hereinafter mentioned departments, boards, or commissions of the State, whose salary or compensation is not hereinabove fixed, shall not exceed the following maximum amounts, viz: The maximum amount of the salary or compensation of such other officers or employees of the Department of Agriculture & Industries shall be \$100.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the State Board of Health shall be \$200.00 per month; the maximum amount of the salary or com-

of Administration shall be \$100.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the State Convict Department shall be \$100.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the Child Welfare Department shall be \$100.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the State Department of Education shall be \$125.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the State Tax Commission shall be \$100.00 per month; the maximum amount of the salary or compensation of such other officers or employees of the Alabama Public Service Commission shall be \$100.00 per month.

SECTION 7. The salaries herein fixed shall be in lieu of the respective salaries now provided to be paid by the State for the respective officers or employees herein named or designated.

SECTION 8. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 9. If any Section or part hereof is held to be unconstitutional it shall not affect or destroy any other Section or part hereof.

Mr. Teasley offered the following amendment to said substitute to-wit:

Amend Section 1 of the substitute to S. 183 by striking out the figures "\$3600.00" where they appear in line 7 of said Section, and insert in lieu thereof "\$3000.00".

On motion of Mr. McDaniel, said amendment was laid on the table.

Yeas, 24; nays, 5.

Yeas:

Messrs.:

Beasley	Delony	Hubbard	Millsap
Bonner	Duncan	Kelley	Mullins
Caffey	Edmundson	Lapsley	Powell
Cooper	Fletcher	Lusk	Shepherd
Craft	Garrett	McDaniel	Walker
Darden	Goodwin	McDowell	Wikle

—24

Nays:

Messrs.:

Hildreth	Scruggs	Teasley	Warren
Riddle			

— 5

Mr. Riddle offered the following amendment to said substitute to-wit:

Amend Lapsley substitute for S. 183 as follows:

By striking the figures "\$1.00" from line 6 on page 5 and adding in lieu thereof the figures "\$1800.00".

On motion of Mr. McDaniel, said amendment was laid on the table.

Yeas, 19; nays, 6.

Yeas:

Messrs.:

Beasley	Edmundson	Lusk	Powell
Bonner	Fletcher	McDaniel	Scruggs
Cooper	Garrett	McDowell	Walker
Craft	Hildreth	Millsap	Wikle
Delony	Kelley	Mullins	

—19

Nays:

Messrs.:

Darden	Riddle	Teasley	Warren
Hubbard	Shepherd		

— 6

Mr Riddle also offered the following amendment to said substitute to-wit:

Amend Lapsley substitute for S. 183 as follows:

By striking therefrom the figures "1,260.00" where they appear in line 32 on page 7 thereof and adding in lieu of said figures the figures "1,500.00."

On motion of Mr. McDaniel, said amendment was laid on the table.

Yeas, 24; nays, 4.

Yeas:

Messrs.:

Bartlett	Caffey	Delony	Garrett
Beasley	Cooper	Edmundson	Goodwin
Bonner	Craft	Fletcher	Hildreth

Kelley	McDaniel	Mullins	Shepherd
Lapsley	McDowell	Powell	Walker
Lusk	Millsap	Scruggs	Wikle

—24

Nays:—Messrs. Darden, Hubbard, Riddle and Warren — 4

Mr. Warren offered the following amendment to said substitute to-wit:

Amend Lapsley substitute to S. 183 by striking out the figures \$3000.00 where the same appear after the words **State Geologist** and insert in lieu thereof the figures \$3400.00.

Mr. McDaniel moved to lay said amendment on the table, which motion was lost.

Yeas, 14; nays, 16.

Yeas:			
Messrs.:			
Beasley	Duncan	Lapsley	Millsap
Bonner	Edmundson	Lusk	Powell
Caffey	Fletcher	McDaniel	Walker
Cooper	Goodwin		

—14

Nays:			
Messrs.:			
Bartlett	Garrett	McDowell	Shepherd
Craft	Hildreth	Mullins	Teasley
Darden	Hubbard	Riddle	Warren
Delony	Kelley	Scruggs	Wikle

—16

And the amendment offered by Mr. Warren was then adopted.

Mr. Craft offered the following amendment to said substitute to-wit:

Amend Lapsley substitute for S. 183 by making the salary of the solicitor of the 13th Judicial Circuit read "\$3600.00" instead of "\$3000.00", where the same appears in said bill.

On motion of Mr. Lapsley, said amendment was laid on the table.

Mr. Craft also offered the following amendment to said substitute to-wit:

Amend Lapsley substitute for S. 183:

In that part of Section 1 relating to the salaries of the Attorney General's Office, substitute the following in lieu of what there appears:

Attorney General	\$5000.00
First Special Asst. Attorney General	\$4000.00
Second Special Asst. Attorney General	\$3600.00
Third Special Asst. Attorney General	\$3000.00
Fourth Special Asst. Attorney General	\$3000.00
Fifth Special Asst. Attorney General	\$3000.00
Two Stenographers	\$1320.00

1 Stenographer \$1200.00

On motion of Mr. McDaniel, said amendment was laid on the table.

And said substitute, as thus amended, was then adopted.

Yeas, 27; nays, 2.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Fletcher	Lusk	Shepherd
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony	Hubbard	Mullins	

—27

Nays:—Messrs. Brown and Teasley

— 2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Fletcher	Lusk	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	McDowell	Walker
Darden	Hildreth	Millsap	Warren
Delony	Hubbard	Mullins	Wikle

—28

Mr. Powell moved that the vote by which said bill was passed be reconsidered, which motion was lost and the Senate refused to reconsider said vote.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 13. To amend Section 3089 of the Alabama Code of 1923.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and imme-

diately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report of Committee on Enrolled Bills.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-third Legislative Day approved.

ADJOURNMENT

At 4:30 P. M., on motion of Mr. McDaniel, and pursuant to joint resolution heretofore adopted, the Senate adjourned until tomorrow, March 24th, 1933 at 10: A. M.

TWENTY-FOURTH DAY

Friday, March 24th, 1933

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Mr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hooton	Mullins	Wikle
Delony	Hubbard		

—30

JOURNAL

On motion of Mr. Walker, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDowell, leave of absence was granted Mr. Hildreth for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Edmundson:

S. 204. To amend Section 6702 of the Code of Alabama, 1923, as amended by an act approved August 24, 1927, and entitled "An Act to amend Section 6702 of the Code of Alabama, 1923."

Committee on Judiciary.

By Messrs. Millsap and Walker:

S. 205. To prescribe and fix a limit of Five Hundred Dollars each month upon any salary or compensation payable to any president, treasurer, secretary or other executive official, teacher, instructor, professor, employee or servant, not elected at a general election, of any State educational, eleemosynary, correctional or other institution and to require the boards of trustees and other governing bodies of all such institutions to take any action necessary to so limit any such salary or compensation; to make it unlawful for any such president, treasurer, secretary or other executive official, teacher, instructor, professor, employee or servant to receive or accept in excess of said limit either directly or indirectly by way of salary, compensation or otherwise from such institution; to prescribe penalties for violations hereof; and to repeal all laws or parts of laws inconsistent herewith.

Committee on Education.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stokes (with amendment):

H. 413. To provide for the levy, Assessment, payment and collection of an Excise tax for the privilege of engaging in the State of Alabama in The Business of Banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks, To provide for the making of return for Assessment of said Tax, To prescribe the rate of such Tax and the privileges and exemptions secured by its payment, To provide for the distribution of the Proceeds of such tax to the State and to the Several Counties and Municipalities of the State, Penalties for failure to make such returns and for Failure to pay said

tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from Ad Valorem Taxation.

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sanderson:

H. 405. To amend an Act approved June 29th, 1931, entitled an Act "To provide in all Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, for an action of ejectment to recover possession of real property and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser, so as to change the population basis to include all Counties having a population of 90,000 or more, according to the last or any subsequent Federal

By Mr. Bradford of Jefferson (with amendment).

H. 424. To amend Sections 3, 6, 7, and 10 of an Act entitled, "An Act to provide in all Counties in this State having a population of three hundred thousand, (300,000) inhabitants or more according to the last or any subsequent Federal Census for an action of ejectment to recover possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser," approved June 29, 1931.

By Mr. Tate:

H. 379. To make it a felony to attempt to kidnap any person with intent to obtain money or property for the release of the person attempted to be kidnapped, and to provide a punishment therefor.

By Mr. Warren:

S. 173. To amend Section 3316 of the Code of Alabama of 1923.

By Mr. McDowell:

S. 172. To amend Section 7420 of the Code of Alabama, 1923.

By Mr. McDowell:

S. 171. To amend Section 7419 of the Code of Alabama, 1923.

By Mr. McDowell:

S. 170. To amend Section 7418 of the Code of Alabama, 1923.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 200. To reduce all salaries and all allowances payable to any and all State and/or County officers and/or their employees, and all county employees for other expenses and ex-officio services and/or for ex-officio service and expenses of maintaining the office of any representative of the State Tax Commission having charge of the equalization and adjustment of taxes on property and/or for defraying any and all expenses incidental to the proper conduct of their offices, including extra clerical help and stenographic help, and for ex-officio services of Circuit Solicitor in attending the Juvenile and domestic relations Court, and for the performance of such other duties as are not now provided by law, where such salaries and allowances are fixed by the Legislature, and payable in whole or in part out of the County Treasury, in all counties in this State having a population of not less than 75,000, and not more than 110,000 inhabitants, according to the last or any succeeding Federal Census, twenty per cent; and to fix said salaries and allowances at eighty per cent of same as shown by the pay roll of said counties as of January 1st, 1933; to provide that this Act shall take effect on the first day of the month next succeeding the ratification by the people of an amendment to the Constitution, designated as Article XXIV thereof, and known as the "Sparks amendment"; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Darden:

S. 202. To amend an Act entitled An Act "To regulate the operation of trucks and other vehicles on the highway so as to better protect, or, prevent the injuring and the killing of, school children,—pupils or students—while being transported to and from school on school buses, and to provide penalties for violating the provisions of this Act," approved November 8th, 1932, General Acts of Alabama, Extra Session, 1932, pages 216-225, both inclusive.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a

population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor.

~~providing for the transfer of certain cases to said juvenile courts,~~ providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed, and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

By Mr. Jordan (with notice and proof:

H. 320. To authorize, empower and direct the Commissioners' Court of Clay County, or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Ala., to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty-five

(25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several Acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Clay County, Alabama is sufficient to run the public schools of Clay County, Alabama, including school bus transportation for a term of eight months free school; for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

By Mr. Sossaman (with notice and proof):

H. 93. To fix the compensation of the Judges of the Circuit Court of Mobile County; and to provide that a portion of said compensation be paid out of the County Treasury of Mobile County; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect.

By Mr. Sossaman:

H. 109. To repeal an act of the Legislature of Alabama approved August 16th, 1923, entitled "An Act to fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the County Treasuries of the counties constituting the respective Circuits."

By Mr. Edgar:

H. 276. To provide that in all counties which now have or may hereafter have a population of Sixteen thousand and not more than Seventeen thousand according to the last or any subsequent Federal Census the cost of stamps and telephones used by the county officers shall not be paid for by the counties.

By Mr. Sossaman:

H. 108. To fix the compensation of the circuit judges of the State of Alabama in all circuits which are composed of one county having more than two judges and less than nine judges, or in circuits which may hereafter be composed of one county having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the County Treasury of the counties constituting the respective circuits, and to repeal

all laws or parts of laws in conflict herewith, and to provide when this act shall go into effect.

Mr. Mullins, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teasley :

S. 188. To prevent the fraudulent sale of meats and meat products as "Kosher"; and fix the penalty for violation of this Act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Snodgrass:

H. J. R. 102. RESOLVED by the House, the Senate concur—
that when the two Houses adjourn today, they adjourn to
meet again on Tuesday, March 20, 1933.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, H. J. R. 102, set out in the foregoing Message from the House, was concurred in and adopted.

MOTION TO TAKE FROM ADVERSE CALENDAR CONTINUED

Mr. Teasley, having given written notice that on this day he would move to take from the Adverse Calendar, have the same read a second time and placed on the regular calendar, the bills:

H. 21. To further regulate the procedure in suits at law now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July, 1935, wherein recovery is sought on an indebtedness secured by a mortgage and to provide for credits to be allowed on such mortgage.

Also:

H. 22. To further regulate the procedure in equity proceedings now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July, 1935, wherein the foreclosure of a mortgage is sought, and to provide for credits to be allowed on such mortgage.

Mr. Teasley now moves that said motion be continued, which motion prevailed and the motion to take from the Adverse Calendar was continued until the next Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Carmichael:

H. 229. To authorize cities, towns and municipalities to construct, lease, purchase or other wise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Also:

By Mr. Carmichael:

H. 230. To authorize Cities, towns and municipalities operating water plants, and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committee as follows:

H. 229 and H. 230, to the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 78. To reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County.

Also:

H. 80. To reduce and fix the salary of the clerk to the Jury Board of Mobile County.

Also:

H. 81. To reduce and fix the salaries of the three Circuit Court Reporters in the Circuit Court of Mobile County.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

S. 193. To provide for the rate of exchange to be charged by banks in the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	McDaniel	Shepherd
Beasley	Edmundson	McDowell	Teasley
Bonner	Faulk	Millsap	Walker
Caffey	Garrett	Mullins	Warren
Cooper	Goodwin	Powell	Wikle
Darden	Lusk	Scruggs	

—23

The bill:

S. 186. To amend Section 2134 (1319) of the Alabama Code of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Scruggs
Beasley	Darden	Hooton	Walker
Bonner	Delony	Lusk	Warren
Caffey	Duncan	McDowell	Wikle
Cooper	Faulk		

—18

The bill:

S. 187. To amend Section 2125 (1312) of the Alabama Code of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Scruggs
Beasley	Delony	Lusk	Shepherd
Bonner	Duncan	McDaniel	Teasley
Caffey	Faulk	McDowell	Warren
Cooper	Goodwin	Powell	Wikle
Craft	Hooton		

—22

The bill:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay to all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Lusk	Shepherd
Beasley	Delony	McDowell	Teasley
Bonner	Duncan	Millsap	Walker
Caffey	Goodwin	Mullins	Warren
Cooper	Hubbard	Scruggs	Wikle
Craft	Lapsley		

—22

The bill:

H. 390. To fix and limit the amount that may be expended and allowed by Assistant Examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowance for expenses or transportation except when they are out of the City of Montgomery on official business.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Lapsley	Scruggs
Beasley	Delony	Lusk	Teasley
Bonner	Duncan	McDaniel	Walker
Caffey	Goodwin	McDowell	Warren
Cooper	Hooton	Millsap	Wikle
Craft	Hubbard	Mullins	

—23

The bill:

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the court house may have telephones.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Mullins
Beasley	Delony	Lapsley	Shepherd
Bonner	Duncan	Lusk	Walker
Caffey	Garrett	McDaniel	Warren
Cooper	Goodwin	McDowell	Wikle
Craft	Hooton		

—22

The bill:

H. 354. To authorize all cities and towns within the State of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken, to fix and collect licenses

for any business, trade or profession done or carried on outside the corporate limits but within the police jurisdiction thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hooton	Mullins	Wikle
Delony	Hubbard		

—30

The bill:

H. 235. To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superin-

and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education, and his successors, shall commence their terms of office.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hooton	Mullins	Wikle
Delony	Hubbard		

—30

The bill:

H. 383. To provide, in all cities in the State of Alabama having a population of not less than 68,000 and not more than 150,000 according to the last or any subsequent Federal census, additional monies for special funds, known as "Policemen's and Firemen's Pension and Relief Funds", as now or hereafter may be provided for by "An Act to create in all cities in the State of Alabama, having a population of not less than 50,000 nor more than 150,000, ac-

ording to the last or any subsequent Federal census, special funds to be known as 'Policemen's and Firemen's Pension and Relief Funds', to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire Departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriations for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona-fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision", approved September 7, 1923.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hooton	Mullins	Wikle
Delony	Hubbard		

—30

The bill:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies by whatever name called, in all counties of this State having a population of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabitants, according to the last or any succeeding Federal Census, to issue to school teachers to whom the State and County are indebted for

teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers as of the date of the passage and approval of this Act; to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply, pro rata and equitably, not less than fifteen per cent of all State and County school funds coming into its possession, to the reduction of any payment of indebtedness due school teachers who have taught in the public schools of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey

Duncan
Edmundson
Faulk
Fletcher

Kelley
Lapsley
Lusk
McDaniel

Powell
Scruggs
Shepherd
Teasley

Craft
Darden
Delony

Goodwin
Hooton
Hubbard

Millsap
Mullins

Warren
Wikle

—30

The bill:

S. 196. To amend Section 4 of an Act entitled "An Act to further regulate the public school system of the County of Mobile by establishing a Board of School Commissioners for Mobile County, of five members, in the place and stead of the Board of School Commissioners of Mobile County, as at present constituted; which new board of five members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and, to that end, to abolish the Board of School Commissioners of Mobile County as now constituted", approved August 22, 1919.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Craft
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hooton
Hubbard

Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—30

The bill:

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Powell
Beasley	Edmundson	Lapsley	Scruggs
Bonner	Faulk	Lusk	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hooton	Mullins	Wike
Delony	Hubbard		

—30

The bill:

S. 198. To amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Was taken up.

Mr. Shepherd offered the following substitute for said bill, to-wit:

Substitute for S. 198:

A BILL

To be entitled An Act to amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims," so as to make the same read as follows:

A BILL

To be entitled An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Board depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Be it enacted by the Legislature of Alabama:

SECTION 1. Upon the application of the County Tax Collectors, County Treasurers, Probate Judges, Circuit Clerks, and/or

Registers of the Circuit Court or any person duly elected or appointed to such office, it shall be the duty of the Court of County Commissioners, Boards of Revenue, or other like governing body of the County to appoint a bank or trust company as a depository in which such officers may deposit monies coming into their hands as such officers; which appointment shall be by proper resolutions spread upon the minutes of such court, Board of Revenue or other governing body. Such court shall from time to time by resolution spread upon its minutes, make such requirements as may be necessary for the safety of such bonds so deposited, not inconsistent with the general laws of the State.

SECTION 2. Upon the application of the County Treasurer of School Funds it shall be the duty of the County Board of Education of the County to appoint a bank or trust company as a depository or depositories in which such officers may deposit monies coming into their hands as such officers; which appointment shall be by proper resolutions spread upon the minutes of such County School Board. Such County School Board shall from time to time by resolution spread upon its minutes, make such requirements as may be deemed necessary for the safety of such funds so deposited, not inconsistent with the general laws of the State.

SECTION 3. If any such funds are dissipated or lost by reason of the insolvency or failure of such bank or trust company appointed as such depository as provided in Section 2 and 3 hereof, such dissipation or loss shall not constitute a liability on the official bond of such officers nor a liability on the sureties thereon.

SECTION 4. In the event of the dissipation or loss of any such funds because of such insolvency or failure of such depository the county and state shall have a preferred claim against such bank or trust company for the amount of such dissipation or loss.

SECTION 5. In the event of the naming of such depository for the County Tax Collector of any county and the use of such depository by him, such County Tax Collector shall make weekly reports, distributions and remittances to the proper authorities of the funds so deposited, during the months of January, and December each year, and bi-monthly during the other months of the year as now provided by law.

SECTION 6. The provisions of this Act are not exclusive but cumulative and remedial, and this Act shall not be construed as abolishing any other method or manner now provided by law for the making of official bonds of county officers, or handling funds of county officers coming into their hands as such officers. And provided further, that nothing herein shall relieve any public official from making official bond as is now required by law, nor from liability thereon except as is provided by this Act.

SECTION 7. All laws and parts of laws in conflict herewith be and the same are hereby repealed, and if any section or provision of this Act shall be held to be unconstitutional, it shall not affect other sections or provisions of the Act not declared unconstitutional.

SECTION 8. This act shall take effect immediately on the passage of the Act and the approval thereof by the Governor.

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Lapsley	Scruggs
Beasley	Duncan	Lusk	Shepherd
Bonner	Faulk	Millsap	Walker
Cooper	Goodwin	Mullins	Warren
Darden	Hubbard	Powell	Wikle

—20

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without en-

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Powell
Beasley	Edmundson	Hubbard	Scruggs
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Darden	Garrett	McDowell	Warren
Delony	Goodwin	Mullins	Wikle

—24

The bill:

S. 146. To provide for the validation and legalization of licenses heretofore issued under authority of law to physicians and surgeons; to provide for the issuance of duplicates; and to provide for the recordation of such licenses.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 146:

A BILL

To be entitled An Act to provide for the validation and legalization certificates of qualification heretofore issued under authority of law to physicians and surgeons; to provide for the issuance of duplicates; and to provide for the recordation of such certificates of qualification.

Be it enacted by the Legislature of Alabama:

Section 1. That all certificates of qualification to persons to engage in the practice of medicine and surgery, heretofore duly

issued under authority of the laws of this State and not recorded as provided by law, may be filed in the manner provided by law within six months after the approval of this Act; and, when so filed and recorded, such certificates of qualification shall be valid and legal to all intent and purpose as if they had heretofore been filed and recorded as provided by law.

Section 2. That whenever such certificates has become lost or destroyed, without having been recorded as required by law, the person to whom the same was issued may apply to the Board of Censors of the Medical Association of the State of Alabama, for a duplicate thereof; and if the said Board be satisfied that such certificate was heretofore duly issued, said Board, under such regulations as it may adopt, shall issue to such applicant a new certificate in such form as it may adopt; and upon such applicant filing same for record and otherwise complying with the provisions of Section 2842 of the Code of 1923 he shall be entitled to engage in the practice of medicine and surgery as provided in such certificate.

Section 3. That all such certificates heretofore issued and which have been recorded in the manner provided by law, but not within the time provided by law, are hereby legalized and validated and need not be again recorded.

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Lusk	Powell
Beasley	Fletcher	McDaniel	Scruggs
Bonner	Goodwin	McDowell	Shepherd
Caffey	Hooton	Millsap	Teasley
Cooper	Hubbard	Mullins	Warren
Darden	Lapsley		

—22

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Lapsley	Powell
Beasley	Faulk	Lusk	Scruggs
Bonner	Fletcher	McDaniel	Shepherd
Caffey	Goodwin	McDowell	Teasley
Darden	Hooton	Millsap	Warren
Delony	Hubbard	Mullins	

—23

BILL INDEFINITELY POSTPONED

On motion of Mr. Beasley, further consideration of the bill:

H. 350. To further provide for the issuance of State Hunting Licenses within the State of Alabama.

Was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Kelly of Talladega.

H. 385. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city, or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to

and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 115. To authorize the State Comptroller, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. Carmichael:

H. 231. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 231, to the Committee on Municipalities and Municipal Organizations.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Paul Hooton,
Acting Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-fourth Legislative Day approved.

ADJOURNMENT

At 11:55 A. M., on motion of Mr. Powell and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 28th, 1933, at 3: P. M.

TWENTY-FIFTH DAY

Tuesday, March 28th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. C. A. Rush of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett

Hooton
Hubbard
Kelley
Lapsley
McDaniel
McDowell

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker

Craft
Darden

Hildreth

Mullins

Wikle

—33

JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Lapsley, leave of absence was granted Mr. Riddle for today.

CERTIFICATE OF ELECTION

The Honorable Julian Hall, elected to the Senate from the 35th Senatorial District, composed of the Counties of Henry and Houston, to fill the vacancy caused by the resignation of Honorable Hubert Farmer, presented his Certificate of Election from the Secretary of State as follows:

THE STATE OF ALABAMA DEPARTMENT OF STATE CERTIFICATE OF ELECTION

I, Pete B. Jarman, Jr., Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, Julian Hall was elected State Senator of the 35th Senatorial District of Alabama at the Special Election held in this State on Tuesday, the 21st day of March, 1933.

Witness my hand this 25th day of March 1933.

PETE B. JARMAN, JR.,
Secretary of State.

Mr. Hall was then escorted to the desk and subscribed to the Oath of Office administered by the President and Presiding Officer of the Senate, in words and figures as follows, to-wit:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God."

Julian Hall.

INTRODUCTION OF BILLS

Upon a call of district bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Cowart:

S. 206. To require the Probate Judge; Sheriff; Tax Collector; Tax Assessor; Clerk of Circuit Court; Superintendent of Education and County Treasurer of Winston County, Alabama, to pay out of their own funds all expense of postage stamps required in the discharge of their official duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a local bill will be introduced in the State Legislature, of Alabama at the present extraordinary session which bill will be in substance as follows:

A BILL To Be Entitled An Act

To require the Probate Judge; Sheriff; Tax Collector; Tax Assessor; Clerk of Circuit Court; Superintendent of Education and County Treasurer of Winston County, Alabama, to pay out of their own funds all expense of postage stamps required in the discharge of their official duties.

Be It Enacted By The Legislature of Alabama,

Sec. 1. That all postage stamps used by the Probate Judge; Sheriffs Tax Collector; Tax Assessor; Clerk of the Circuit Court; Superintendent of Education and County Treasurer of Winston County, Alabama, in the discharge of their official duties be furnished by each of said officers respectively at their own expense.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act, general or local, are hereby repealed.

Sec. 3. That this act shall go into effect immediately upon its passage and approval by the Governor.

J. A. POSEY,
B. J. COWART.

PUBLISHER'S AFFIDAVIT

The State of Alabama, }
Winston County }

I, Geo. W. Adkins, publisher of The Winston Herald, a weekly newspaper of general circulation published at Double Springs, in Winston County,

Ala., do hereby certify that the notice of intention to introduce Local Bill to require certain Winston County officers to pay their own stamp bills (copy attached) has been published in the above named newspaper for four regular successive weekly issues prior to date viz: in the issues bearing the following dates: March 3, 10, 17 & 24 1933.

This March 27 1933.

GEO. W. ADKINS,
Publisher Herald.

Sworn to and subscribed before me, this March 27 1933.

LEE F. DODD,
Notary Public.

By Mr. Fletcher:

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

Committee on Banking and Insurance.

By Mr. Fletcher:

preferred stock of any incorporated bank, trust company or savings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

Committee on Banking and Insurance.

By Mr. Powell:

S. 209. To require that all sentences for a term or terms of less than six months as penalties for offenses and to enforce payment or satisfaction of fine imposed in misdemeanor cases tried and convicted in the Courts of all Counties of this State for violations of the Criminal Laws of this State, where such Counties do not now or may not hereafter work their County convicts on the public roads or at any other work in such Counties, shall be to imprisonment in the County Jail for the term or terms of such sentences.

Committee on Judiciary.

By Mr. Warren:

S. 210. To amend Section 11 of an act entitled "An Act to provide for the levy, assessment and collection of estate taxes in the State of Alabama" approved October 6, 1932.

Committee on Finance and Taxation.

By Mr. Brown:

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama to establish, maintain and operate a telegraph office in Phenix City, Alabama, for the purpose of re-

ceiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Phenix City in Russell County, at the present extraordinary session of the Legislature of Alabama. The substance of said local law shall be substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT.

To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama, to establish, maintain and operate a Telegraph Office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

Be it enacted by the Legislature of Alabama:

Section 1. That each and every Telegraph Company which owns, leases or controls telegraph lines which enter into or extend through the City of Phenix City, Alabama, for the purpose of the transmission of messages for the general public, for which they receive compensation, are hereby required to establish, maintain and operate an office or place of business within the Corporate limits of the City of Phenix City, Alabama, which shall be open to the public within all reasonable hours of the day and night, for the purpose of receiving and sending telegrams or messages of communication to and from the City of Phenix City, Alabama, for the general public, and in addition thereto they shall also furnish messenger service for the delivery and receipt of telegrams, day letters, night letters, and such other purposes as are ordinarily required of Commercial Telegraph Companies.

Section 2. That this Act shall become of force and effect within four months after the same has been passed and approved or within four months from the time it shall become a Law.

The State of Alabama, }
Russell County. }

Before me, I. I. Moses, a Notary Public, for said County and in said State, personally appeared Isabel Moses, who, being first duly sworn deposes and says; on oath: That she is Editor and Publisher of the Phenix-Girard Journal, a newspaper published in Phenix City, Alabama, in the County of Russell, State of Alabama; that said Phenix-Girard Journal is a weekly newspaper; that the printed notice hereto attached to this affidavit advertising a local bill, has been duly published in and appeared in the regular issues of said Phenix-Girard Journal, once a week for four consecutive weeks, in the issues of said paper of the dates as follows: Feb. 24th, March 3rd, 10th and 17th, 1933.

This the 28th day of March, 1933.

ISABEL MOSES,
Publisher Phenix-Girard Journal.

State of Alabama, }
 Russell County. }

Before me I. I. Moses, a notary public in and for said state and County personally appeared Isabel Moses who is known to me and who being sworn by me states the fore going affidavit is true and correct.

I. I. MOSES,
 Notary Public.

By Mr. Craft:

S. 212. Relating to and providing for corporations for the protection and development of forests.

Committee on Fish, Game & Forestry.

By Mr. Craft:

S. 213. To repeal Sections 4621, 4622, 4623, 4624, and 4626, Code of Alabama, 1923.

Committee on Temperance.

By Mr. Lapsley:

S. 214. To fix, limit and regulate the salaries and compensation of certain county officers in this state; to provide the manner of payment of such salaries and compensation; to provide rules and regulations for accounting in connection therewith; to provide for the disposition of any excess compensation and for the handling or disbursement thereof; to provide for the repeal of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective; and to provide for penalties for the violation of the provisions of this Act.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported, that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edmundson:

S. 204. To amend Section 6702 of the Code of Alabama 1923, as amended by an Act approved August 24, 1927, and entitled "An Act to amend Section 6702 of the Code of Alabama, 1923."

Mr. Wikle, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

H. 230. To authorize cities, towns and municipalities operating water plants and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

By Mr. Carmichael:

H. 229. To authorize cities, towns and municipalities to construct, lease, purchase or otherwise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

By Mr. Carmichael:

H. 231. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise, electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate.

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

J. H. Stewart,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to the Senate, the body in which it originated, Senate Bill No. 148 without my approval. I cannot approve this Act for the following reasons:

1. I do not think that the bill as passed by you provides for a convention as intended by the Constitution of the United States with reference to amending the Federal Constitution and I do not believe that Alabama's action on the amendment either ratifying or declining to ratify would be legal under this bill.

Article V of the Constitution of the United States provides that when an amendment to it is proposed in the manner set out therein that it shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. All former amendments to the Constitution of the United States have been submitted for ratification by the Legislatures. This amendment is to be ratified or rejected by Conventions in the States. The bill passed by you does not provide for the Convention to ratify the amendment or to decline to ratify it, but provides for a referendum on the subject. The bill provides at each elector voting either for delegates to the proposed Convention must vote either for or against the ratification of the 21st Amendment to the Constitution of the United States, and for or against repeal of the 18th Amendment to the Constitution of the United States, and that if he does not vote for or against ratification of the 21st Amendment, and for or against repeal of the 18th Amendment then his vote for delegates to the Convention shall not be counted.

Each candidate for delegate to the Convention whether for delegate from the County or from the State at large, must take the following oath:

"I, _____, do hereby solemnly pledge myself, in the event of my election to a Convention to be held in Montgomery for the purpose of considering the ratification or rejection of the proposed 21st Amendment to the Constitution of the United States, to abide by the results of the referendum in the State on the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States; and should a majority of the votes cast in said election be for ratification, then I pledge myself to vote for the ratification of the proposed 21st Amendment in the Convention, but should a majority of the votes cast in said election be for rejection of the proposed 21st Amendment, then I pledge myself to vote for the rejection of the proposed 21st Amendment to the United States' Constitution."

The Act further provides, "The Candidates elected from each County, as well as the ten Candidates elected from the State at large, shall be required to support in the Convention the position declared by a majority of those casting ballots in the election herein ordered in the State and if a majority of such ballots be cast for ratification, then the elected delegates whether from the State at large or from the Counties, will be required to support and vote for the ratification of the proposed 21st Amendment, but if a majority be in favor of rejection, the elected delegates shall support and vote for the rejection of the proposed 21st Amendment."

~~It will thus be seen that the bill does not require the delegates to vote for or against ratification.~~
which under the Federal Constitution would be a deliberative body to decide whether or not the Amendment should be ratified, but for a referendum. The voters under the bill cannot vote for delegates to a Convention unless they vote for or against ratification. The delegates when elected have no authority but must, under their oath, carry out the result of the referendum in the State at large. It would be unnecessary to hold any Convention and all that would be needed under the bill would be to have the vote counted and the result announced. This does not comply with the provisions of the Federal Constitution which requires action either of a Convention or of a Legislature as Congress may order; in this case, the action of a Convention.

As stated above, this is the first time that Congress has ordered ratification or rejection by a Convention, but when the matter has been submitted to the Legislature, the Supreme Court of the United States has passed on the question of a referendum.

In the case of *Leser et al. vs. Garnett et al*, 258 United States, page 130, the Court said: "The function of a State Legislature in passing on a proposed amendment to the Federal Constitution is Federal and not subject to limitations by the people of the State."

In the case of *Hawke vs. Smith*, Secretary of State of Ohio, 253 United States, page 221, the Supreme Court of the United States said: "Under the Constitution, Article V, a proposed Amendment can be ratified by two methods only,—By the Legislatures of three-fourths of the States or by Conventions in three-fourths of the States, the choice of method being left to Congress. The term 'Legislature' as used here and elsewhere in the Constitution, means the deliberative representative bodies which make the laws for the people of the respective states; the Constitution makes no provision for action upon such proposals by the people directly. The function of a State Legislature in ratifying a proposed Amendment to the Federal Constitution, like the function of Congress in proposing such amendments is a Federal function, derived not from the people of that State but from the Constitution. The action of the General Assembly of Ohio ratifying the proposed 18th Amendment cannot be referred to the electors of the State, the provisions of the State Constitution requiring such a referendum being inconsistent with the Constitution of the United States." In the case of *Hawke vs. Smith*, Secretary of State

of Ohio, 253 United States, page 231, the Supreme Court of the United States decided as follows:

"The ratification of the proposed 19th Amendment by the Legislature of Ohio cannot be referred to the electors of the State; the Ohio Constitution requiring such a referendum is inconsistent with the Constitution of the United States." Each of the two cases above cited is from Ohio, one with reference to the 18th Amendment and one with reference to the 19th Amendment. It seems to be clearly the holding of the Supreme Court of the United States that an Amendment to the Constitution of the United States cannot be ratified by referendum but must be ratified either by the Legislature or by a Convention as Congress may order.

I think that the bill passed by you is a referendum and that it does not provide for a Convention within the meaning of Article V of the Constitution of the United States.

2. I think that the provision for a Convention in this bill is undemocratic, in that it binds the delegates elected from a county and representing a county, to vote according to the total state vote whether the county he represents voted that way or not. This destroys the democratic doctrine of local self-government. A delegate might announce for the Convention, announce his views and make a campaign based on those views in his county and be overwhelmingly elected by voters who endorsed his views and yet under this bill, he must vote in an opposite way if a majority of the votes cast in the entire State should be opposed to his views.

I cannot understand why you would provide for electing delegates to represent each county if they cannot vote the views of citizens of their county who elect them. It seems to me that a Convention should be composed of delegates from the State at large who in the Convention would reflect the views of those electing them and from the Counties who in the Convention would reflect the views of those electing them, and that the Convention when assembled should have authority to deliberate and decide whether Alabama should ratify or should not ratify the Amendment to the Constitution of the United States.

3. I do not think that the present is the time for a Convention to be held in Alabama to decide whether or not the 18th Amendment to the Constitution of the United States should be repealed. You are familiar with the conditions in Alabama. The thoughtful attention of every representative of the people and of every voter of the State should be devoted to a study of this condition and to the best methods of solving our urgent problems. Our schools are closing, our warrants are being hawked about, sold at less than their par value and in many instances, being purchased by scalpers who hope to make profit out of the necessity of those who must part with the warrants for which they have rendered service or sold goods. With these conditions, no new issue that requires careful consideration and deliberate judgment should be submitted. You have submitted one amendment to the Constitution to be voted on in ninety days after adjournment and you probably will submit two others. The electorate of Alabama will have to decide.

First, whether or not they will economize in government and adopt what is known as the "Sparks Amendment".

Second, whether or not they will ratify and arrange for payment of the outstanding warrants and obligations of the State for the payment of which no funds are now available. This question will probably be submitted by you in a warrant or bond amendment.

Third, whether some relief will be given to the overburdened taxpayer by placing an Income Tax on those who earn incomes and pay no tax thereon and thereby relieving in the future in Alabama to some extent, the overburdened payer of the tax on real property. All three of these questions are important and are now vital to Alabama. I believe that the voter should be permitted to study these questions and to vote on them without having the controversial issue of the 18th Amendment to decide, and I further believe

that when they do vote upon the question of repeal of the 18th Amendment, they should do so after careful thought and study of that question—and of that question alone. Congress has wisely given us seven years within which to hold our Convention and to decide this issue. WE SHOULD NOT BE TOO HASTY.

4. Under the Convention plan proposed by this Act only one man is necessary, if he can add and subtract. He could add up the votes of the State and subtract the pros from the cons or the cons from the pros and declare the result. What a Convention that would be! Under this plan of Convention there would be no discussions and no concurrence of mind of delegates of the Assembly; but just 116 delegates to meet and to count the votes of the State on the issue. No such Convention was ever, in my opinion, contemplated by the framers of Article V of the Constitution of the United States.

For the reasons above stated, I cannot approve this bill.

Respectfully,

B. M. MILLER,
Governor.

March 28, 1933.

GOVERNOR'S MESSAGE

On motion of Mr. Mullins, the Senate reconsidered and again passed the bill:

question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th Amendment and for or against ratification of the proposed 21st amendment.

The Governor's veto to the contrary notwithstanding.

Yeas, 26; nays, 7.

Yeas:

Messrs.:

Beasley	Fletcher	Lapsley	Scruggs
Brown	Garrett	McDaniel	Shepherd
Cowart	Goodwin	McDowell	Teasley
Craft	Hall	Millsap	Walker
Delony	Hildreth	Mullins	Warren
Duncan	Hubbard	Powell	Wikle
Edmundson	Kelley		

—26

Nays:

Messrs.:

Bartlett	Caffey	Darden	Hooton
Bonner	Cooper	Faulk	

— 7

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 235. To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent of Education shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education, and his successors, shall commence their terms of office.

Also:

H. 354. To authorize all cities and towns within the State of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken, to fix and collect licenses for any business, trade or profession done or carried on outside the corporate limits but within the police jurisdiction thereof.

Also:

H. 383. To provide, in all cities in the State of Alabama having a population of not less than 68,000 and not more than 150,000, according to the last or any subsequent Federal census, additional monies for special funds, known as "Policemen's and Firemen's Pension and Relief Funds", as now or hereafter may be provided for by "An Act to create in all cities in the State of Alabama, having a population of not less than 50,000 nor more than 150,000, according to the last or any subsequent Federal census, special funds to be known as 'Policemen's and Firemen's Pension and Relief Funds', to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire Departments in said cities during their dis-

ability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriations for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona-fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision", approved September 7, 1923.

Also:

H. 385. To authorize any county, city or incorporated town of the State of Alabama subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city, or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes.

Also:

H. 390. To fix and limit the amount that may be expended and allowed by Assistant Examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowance for expenses or transportation except when they are out of the City of Montgomery on official business.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. Goodwyn:

H. 53. To propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXII", authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

ARTICLE XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed five percent nor three percent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax.

An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932 are paid and thereafter used exclusively for the reduction of State ad valorem taxes.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

ARTICLE XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten percent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County

and Municipal Officers and employes, on the same basis as such income taxes are levied upon other persons. (Yes____) (No____)

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once at length as required by the Constitution and referred to appropriate Standing Committee as follows:

H. 53, to the Committee on Constitution, Constitutional Revision and Amendments.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 115. To authorize the State Comptroller, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-third vote of a quorum of the Senate present, and immediately

after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Allen:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

Also:

By Mr. Glover (of Henry) and Ward (with notice and proof):

H. 401. To further Regulate, Fix and Prescribe The Duties, Powers and Authority of the Court of County Commissioners of Henry County, Alabama, For the Purpose of Securing, Establishing and Maintaining a More Economical Administration of The Financial Affairs of Said County: to Fix The Date For Said Law To Take Effect And to Repeal All Laws in Conflict.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION

State of Alabama, }
Henry County. }

Before the undersigned authority, H. W. Owens Probate Judge in and for said county in said state, personally appeared R. M. FULLER, who, on oath duly administered, deposes and says, as follows:

That he is editor and publisher of the Abbeville Herald, a newspaper published weekly in the town of Abbeville in said county and State; and,

That there appeared published for four consecutive weeks, beginning on the 12th day of January 1933, in said newspaper, the following notice clipped from an issue of said paper, to-wit:—

NOTICE

Notice is hereby given that application will be made at the coming extra session of the Legislature of Alabama for introduction and passage of the following local law for Henry County, Alabama, to-wit:

To further regulate, fix and prescribe the duties, powers and authority of the Court of County Commissioners of Henry County, Alabama, for the purpose of securing, establishing and maintaining a more economical administration of the financial affairs of said County; to fix the date for said law to take effect and to repeal all laws in conflict.

This, January 11, 1933.

R. M. FULLER,
Editor and Publisher.

Sworn and subscribed to before me this the 20th day of February 1933.

(Official Seal)

H. W. OWENS,
Probate Judge.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 321, to the Committee on Judiciary.

H. 401, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Holland:

H. 281. To provide that no Board of Revenue and Road Commissioners or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, or by the authority of the State of Alabama, out of the funds of such county, and to provide a penalty for violation of this Act.

Also:

By Mr. Williams (by request):

H. 337. To amend Section 7409 of the Code of Alabama, 1923.

Also:

By Mr. Morrow:

H. 454. To amend an Act entitled, "An Act to amend Section 12 of an Act 'relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama,' approved September 13, 1923," approved October 10, 1932.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 281 and H. 454, to the Committee on Finance and Taxation.
H. 337, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Goodwyn:

H. J. R. 104. RESOLVED by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Thursday, March 30, 1933, at ten o'clock, A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion for Mr. Powell, H. J. R. 104, set out in the foregoing Message from the House, was concurred in and adopted.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Teasley moved to take from the Adverse Calendar, have the same read a second time and placed on the Regular Calendar, the bills:

H. 21. To further regulate the procedure in suits at law now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July, 1935, wherein recovery is sought on an indebtedness secured by a mortgage and to provide for credits to be allowed on such mortgage.

H. 22. To further regulate the procedure in equity proceedings now pending or hereafter brought in the interim between the approval of this Act and the 1st day of July, 1935, wherein the foreclosure of a mortgage is sought, and to provide for credits to be allowed on such mortgage.

Mr. Hildreth moved to table the motion to take from the Adverse Calendar, which motion prevailed and the said motion was laid on the table.

Yeas, 17; nays, 13.

Yeas:

Messrs.:

Beasley
Bonner
Coward
Craft
Edmundson

Fletcher
Hall
Hildreth
Hubbard

Lapsley
McDaniel
McDowell
Millsap

Mullins
Powell
Shepherd
Teasley

—17

Nays:

Messrs.:

Bartlett
Brown
Cooper
Darden

Delony
Duncan
Faulk

Garrett
Goodwin
Hooton

Kelley
Scruggs
Warren

—13

Mr. Hildreth then moved that said bills, H. 21 and H. 22, be indefinitely postponed, which motion prevailed and said bills were so postponed.

Yeas, 17; nays, 13.

Yeas:

Messrs.:

Beasley	Fletcher	Lapsley	Mullins	
Bonner	Hall	McDaniel	Powell	
Cowart	Hildreth	McDowell	Shepherd	
Craft	Hubbard	Millsap	Teasley	
Edmundson				—17

Nays:

Messrs.:

Bartlett	Duncan	Goodwin	Mullins	
Brown	Faulk	Hooton	Scruggs	
Darden	Garrett	Kelley	Warren	
Delony				—13

Mr. Hildreth then moved that the vote by which said bills were indefinitely postponed be reconsidered, which motion was lost and the Senate refused to reconsider said vote.

Yeas, 15; nays, 15.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Teasley	
Brown	Duncan	Kelley	Warren	
Cooper	Faulk	Mullins	Wikle	
Darden	Goodwin	Scruggs		—15

Nays:

Messrs.:

Beasley	Edmundson	Hubbard	Millsap	
Bonner	Fletcher	Lapsley	Powell	
Cowart	Hall	McDaniel	Shepherd	
Craft	Hildreth	McDowell		—15

Said vote being a tie, the Lieutenant-Governor and President and Presiding Officer of the Senate voted "No".

BILL INDEFINITELY POSTPONED

On motion of Mr. Craft, the Senate indefinitely postponed further consideration of the bill:

S. 149. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property owned by the Alabama State Bridge Corporation, and the bridge and all other property owned by Mobile Bay Bridge Company, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered and again passed the bill:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st. Amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th amendment and for or against ratification of the proposed 21st amendment.

The Governor's veto to the contrary notwithstanding, by a vote of: Yeas, 66; Nays, 32, which was a majority of the whole number elected to the House.

And said bill together with the Governor's Message containing his objections to and veto of said bill are herewith returned to the Senate.

J. H. Stewart,
Clerk.

BILL ON THIRD READING

The bill:

S. 200. To reduce all salaries and all allowances payable to any and all State and/or County officers and/or their employees, and all county employees for other expenses and ex-officio and/or for ex-officio service and expenses of maintaining the office of any representative of the State Tax Commission having charge of the equalization and adjustment of taxes on property and/or for defraying any and all expenses incidental to the proper conduct of their offices, including extra clerical help and stenographic help, and for ex-officio services of Circuit Solicitor in attending the Juvenile and domestic relations Court, and for the performance of such other duties as are not now provided by law, where such salaries and allowances are fixed by the Legislature, and payable in whole or in part out of the County Treasury, in all counties in this State having a population of not less than 75,000, and not more than 110,000 inhabitants according to the last or any succeeding Federal Census, twenty per cent; and to fix said salaries and allowances at eighty per cent of same as shown by the pay roll of said counties as of January 1st, 1933; to provide that this Act shall take effect on the first day of the month next succeeding the ratification by the people of an amendment to the Consti-

tution, designated as Article XXIV thereof, and known as the "Sparks amendment"; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Beasley	Edmundson	Hubbard	Powell
Bonner	Faulk	Kelley	Scruggs
Brown	Fletcher	Lapsley	Shepherd
Cooper	Garrett	McDaniel	Teasley
Craft	Goodwin	McDowell	Walker
Darden	Hall	Millsap	Warren
Delony	Hildreth		

—30

COMMITTEE APPOINTMENTS

On motion of Mr. Bonner, the President and Presiding Officer of the Senate announced the appointment of Mr. Hall as a member of the following Standing Committees of the Senate, to-wit:

Committee on Revision of the Journal, (Chairman),
 Constitution and Constitutional Revision and Amendments,
 Mines and Manufacturing,
 Public Health,
 Finance and Taxation,
 Public Roads and Highways.

ORDER TO PRINT

On motion of Mr. Lapsley, 500 copies of the bill:

S. 213. To repeal Sections 4621, 4622, 4623, 4624 and 4626, Code of Alabama, 1923.

Were ordered printed for use of the Senate.

OPINION OF SUPREME COURT

The following opinion was read and ordered spread upon the Journal:

To the Senate of Alabama:

Replying to Senate Resolution No. 53 inquiring as to the constitutionality of an Act thereto attached and which provides for altering and rearranging the boundary lines between Marion and Winston Counties will say:

It is a local act as defined by Section 110 of the Constitution of 1901 and can not be validly enacted unless notice is given of the intent to apply for the passage of same as required by Section 106 of the Constitution.

We take it that notice has not been given of the intention to pass this bill, for if it has, we would not have received this inquiry. We suggest, however, if notice is attempted in time to get action by the present session, as a

cautionary measure, it should be published in both Marion and Winston Counties.

Respectfully,
JNO. C. ANDERSON,
Chief Justice.
LUCIEN D. GARDNER,
WILLIAM H. THOMAS,
VIRGIL BOULDIN,
JOEL B. BROWN,
ARTHUR B. FOSTER,
THOMAS E. KNIGHT,
Associate Justices.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing Report of the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day approved.

ADJOURNMENT

At 5:30 P. M., on motion of Mr McDaniel and in accordance with joint resolution heretofore adopted, the Senate adjourned until Thursday, March 30th, 1933, at 10 A. M.

TWENTY-SIXTH DAY

Thursday, March 30th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. A. W. Briscoe, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Craft
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall
Hildreth
Hooton

Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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JOURNAL

On motion of Mr. Hildreth, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hildreth:

S. 215. To prohibit any full time executive officer of the State or Head of any State Department from receiving any salary or other compensation from any outside source, and to require that every such officer or head of department shall devote his whole time to his official duties.

Committee on Judiciary.

By Mr. Craft:

S. 216. To make lawful the sale, distribution, and possession of light wines and beer not to exceed 3.2 per cent alcohol in counties of not less than 115,000 nor more than 300,000 population according to the last of any subsequent Federal Census, and to provide for the disposition of any license taxes imposed and collected under this act

Committee on Temperance.

By Mr. Riddle:

S. 217. To provide the way and manner of filling a vacancy on the executive committee of the trustees for the Alabama School for Deaf and Blind and to fill a vacancy for the chairmanship of such committee.

Committee on Education.

By Mr. Riddle:

S. 218. To amend Section 8149 of the Code of Alabama, 1923, requiring guardians to invest surplus funds of their wards and prescribing the forms of such investments.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly of Talladega:

H. 214. To amend Section 6665, as amended by the Acts of 1927, approved August 5 1927, and as amended by the Acts of 1931, approved May 27, 1931.

By Mr. Allen:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

By Mr. Bains:

H. 319. To amend Section 7599 of the Code of Alabama of 1923, and to repeal all laws and parts of laws in conflict with said Section as hereby amended.

By Mr. DeSear:

H. 402. To amend Section 7419 of the Code of Alabama, 1923.

By Mr. DeSear:

H. 403. To amend Section 7420 of the Code of Alabama, 1923.

By Mr. DeSear:

H. 404. To amend Section 7418 of the Code of Alabama, 1923.

By Mr. Williams (by request) (with substitute):

H. 337. To amend Section 7409 of the Code of Alabama, 1923.

By Mr. Powell (with amendment):

S. 209. To require that all sentences for a term or terms of less than six months as penalties for offenses and to enforce payment or satisfaction of fine imposed in misdemeanor cases tried and convicted in the Courts of all Counties of this State for violations of the Criminal Laws of this State, where such Counties do not now or may not hereafter work their County convicts on the public roads or at other work in such Counties, shall be to imprisonment in the County Jail for the term or terms of such sentences.

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Reeder:

H. 326. To extend to lands within the watershed of the Tennessee River in Alabama the provisions of the Act entitled "An Act to give consent of the State of Alabama to and for the acquisition by the United States of such lands within the State as may be needed for the consolidation and administration of National Forests," approved March 4, 1931.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren:

S. 210. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

By Mr. Morrow (with amendment):

H. 454. To amend an Act entitled, "An Act to amend Section 12 of an Act 'relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama,' approved September 13, 1923," approved October 10, 1932.

By Mr. Holland (with substitute):

H. 281. To provide that no Board of Revenue and Road Commissioners, or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, or by the authority of the State of Alabama, out of the funds of such County, and to provide a penalty for violation of this Act.

By Mr. Culver:

H. 273. To amend Sections 3057 and 3058 of the Code of Alabama of 1923.

By Mr. Allen:

H. 24. To amend Section Two of an Act entitled "An Act to permit automobile, automobile truck and other motor vehicle license and license tags to remain with the automobile, automobile

truck or other motor vehicle for which they were purchased, and to be used by the new owner of such automobile, automobile truck or other motor vehicle and to require proper record in the Probate Office and in the State Tax Commissioner's Office of such change of ownership, and to prohibit any motor vehicle license tag being transferred from one motor vehicle to another or being used on any motor vehicle except the one for which it was originally taken out", approved May 23, 1931.

By Mr. Faulk (with substitute):

S. 136. To appropriate out of the General Fund of the State of Alabama to the Department of Agriculture and Industries the sum of One Hundred Thousand Dollars per annum, payable in monthly installments; and to provide that all taxes, fees, commissions or other collections of any kind or description whatsoever collected by the Department of Agriculture and Industries be made a part of the General Fund of the State of Alabama to be paid into the State Treasury on the first and fifteenth days of each month.

By Mr. Culver (with amendment):

H. 19. To amend Section 266 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

By Mr. Lapsley (with amendment):

S. 214. To fix, limit and regulate the salaries and compensation of certain county officers in this State; to provide the manner of payment of such salaries and compensation; to provide rules and regulations for accounting in connection therewith; to provide for the disposition of any excess compensation and for the handling or disbursement thereof; to provide for the repeal of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective; and to provide for penalties for the violation of the provisions of this Act.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goode:

H. 125. To propose an amendment to the Constitution of Alabama to authorize the issue by the State of Certificates of Indebtedness for the sole purpose of funding the operating deficit of the State represented by State Warrants regularly issued, outstanding and unpaid, on September 30, 1932, the items to be funded to be not in excess of \$15,000,000.00, the certificates to be issued in exchange for the items to be funded; to define certain characteristics

of said certificates and script for fractional amounts to be issued against same and certain rights and privileges appurtenant to same; also certain powers of the Legislature with reference to said funding operation and said certificates and script with reference to aiding the negotiation of such certificates for the benefit of school boards, and State Departments, agencies, and institutions which may become entitled to any of said certificates; also to approve and ratify any funding act of 1933 enacted at the Special Session of the Legislature which convened January 31st, 1933 relating to said certificates.

The above bill was read a second time at length as required by the Constitution.

By Mr. Goodwyn:

H. 53. To propose an amendment to the Constitution of Alabama to be known as "Article XXII" authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

The above bill was read a second time at length as required by the Constitution.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Duncan (with notice and proof):

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

By Mr. Cowart (with notice and proof):

S. 206. To require the Probate Judge; Sheriff; Tax Collector; Tax Assessor; Clerk of Circuit Court; Superintendent of Education and County Treasurer of Winston County, Alabama, to pay out of their own funds all expense of postage stamps required in the discharge of their official duties.

By Mr. Brown (with notice and proof):

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama to establish, maintain and operate a telegraph office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

By Mr. Glover of Henry and Ward (with notice and proof):

H. 401. To further Regulate, Fix and prescribe the duties, powers and authority of the Court of County Commissioners of Henry County, Alabama, for the Purpose of securing, establishing and maintaining a more economical administration of the financial affairs of said County; to fix the date for said law to take effect and to repeal all laws in conflict.

By Mr. Manasco (with notice and proof):

H. 437. To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fletcher:

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

By Mr. Fletcher:

S. 208. To provide for the issuance of one or more classes of preferred stock by any incorporated bank, trust company or savings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

RESOLUTION

The Rules Committee reported the following Senate resolution:

S. R. 55. BE IT RESOLVED by the Senate of Alabama as follows:

1. That the Justices of the Supreme Court of Alabama be requested to give to the Senate their opinion on the following important constitutional question:

The House of Representatives passed an Act proposing an Amendment to the Constitution in the form hereto attached and marked "Exhibit A" and sent the same to the Senate for its action. In this Act the proposed amendment shown in Section 1 differs materially from the provision for the ballot shown in Section 3. If the Senate votes to submit the proposed amendment and passes the Act just as it was passed by the House, will it be legal and will the Secretary of State have authority under Section 285 of the Constitution, to prepare the ballot setting out the substance of the

amendment as shown in Section 1, or will the Act be void because of variance between Section 1 and Section 3?

On motion of Mr. Powell, said resolution was put upon its immediate passage and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st. Amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th amendment and for or against ratification of the proposed 21st amendment.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

ORDER TO PRINT

On motion of Mr. Hildreth, 500 copies of each of the bills:

H. 53. To propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXII", authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Also:

H. 125. To propose an amendment to the Constitution of Alabama to authorize the issue by the State of Certificates of Indebted-

ness for the sole purpose of funding the operating deficit of the State represented by State Warrants regularly issued, outstanding and unpaid, on September 30, 1932, the items to be funded to be not in excess of \$15,000,000.00, the certificates to be issued in exchange for the items to be funded; to define certain characteristics of said certificates and script for fractional amounts to be issued against same and certain rights and privileges appurtenant to same; also certain powers of the Legislature with reference to said funding operation and said certificates and script with reference to aiding the negotiation of such certificates for the benefit of school boards, and State Departments, agencies, and institutions which may become entitled to any of said certificates; also to approve and ratify any funding act of 1933 enacted at the Special Session of the Legislature which convened January 31st, 1933 relating to said certificates.

Were ordered printed for use of the Senate.

BILL INDEFINITELY POSTPONED

On motion of Mr. Hildreth, the Senate indefinitely postponed further consideration of the bill:

S. 105. To provide for holding a convention to revise and amend the Constitution of this State.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Poole:

H. J. R. 106. Resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet on Tuesday, April 4, 1933.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, H. J. R. 106, set out in the foregoing Message from the House was concurred in and adopted.

BILLS ON THIRD READING

The bill:

H. 413. To provide for the levy, assessment, payment and collection of an Excise tax for the privilege of engaging in the State of Alabama in the business of Banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks, To provide for the making of re-

turn for Assessment of said Tax, To prescribe the rate of such Tax and the privileges and exemptions secured by its payment, To provide for the distribution of the proceeds of such tax to the State and to the several Counties and Municipalities of the State, Penalties for failure to make such returns and for Failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Section 1 of H. 413 as follows:

In subdivision 5 of Section 1 on page 2 after the words: "(5) Bad debts—Debts ascertained to be worthless and charged off within the taxable year;" add the following words: "provided, however, in the case of Banks only such debts can be charged off, and to such amount or extent, as approved, or required to be charged off, by state, Federal or Federal Reserve Bank examiners."

Amend title of House bill 413 by adding the following:

And to repeal an act of the Legislature of Alabama approved October 22, 1932 entitled, "An Act to provide for the levy, assessment, payment and collection of an Excise Tax for the Privilege of engaging in the State of Alabama in the Business of Banking and of Conducting a financial business employing moneyed capital coming into competition with the business of National Banks, to provide for the making of return for assessment of said tax, to prescribe the rate of such tax and the Privileges and exemptions secured by its payment, to provide for the distribution of the proceeds of such tax to the State and to the several Counties and municipalities of the State, penalties for failure to make such returns and for failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation."

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Edmundson	Hooton	Powell
Beasley	Faulk	Hubbard	Riddle
Caffey	Fletcher	Lapsley	Scruggs
Cowart	Garrett	Lusk	Shepherd
Craft	Goodwin	McDaniel	Teasley
Darden	Hall	McDowell	Warren
Delony	Hildreth	Mullins	Wikle

—28

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; nays, 2.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Riddle
Beasley	Faulk	Kelley	Scruggs
Caffey	Fletcher	Lapsley	Shepherd
Cooper	Garrett	Lusk	Teasley
Cowart	Goodwin	McDaniel	Walker
Craft	Hall	McDowell	Warren
Darden	Hildreth	Powell	Wikle
Delony			

—29

Nays: Messrs. Hooton and Mullins

—2

The bill:

H. 71. To amend Section Three of an act of the Legislature of Alabama passed over the Governor's veto June 16th, 1931, entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond and compensation of such Deputy County Treasurers," so as to reduce the compensation of said official to \$1500.00 per year.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. B. No. 71 as follows:

By striking from the caption of said bill and from Section 3 thereof the words: "Fifteen Hundred Dollars" and substitute therefor the words: "Eighteen Hundred Dollars".

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Scruggs
Cooper	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Hall	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony	Hooton		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Caffey	Cowart	Darden
Beasley	Cooper	Craft	Delony

Duncan	Hildreth	McDowell	Shepherd
Edmundson	Hooton	Millsap	Teasley
Faulk	Hubbard	Mullins	Walker
Garrett	Lapsley	Powell	Warren
Goodwin	Lusk	Scruggs	Wikle
Hall	McDaniel		

—30

The bill:

H. 275. To require that all County officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Faulk	Kelley	Riddle
Caffey	Fletcher	Lapsley	Scruggs
Cooper	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDowell	Teasley
Craft	Hall	Millsap	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton		

—30

The bill:

H. 276. To provide that in all counties which now have or may hereafter have a population of Sixteen thousand and not more than Seventeen thousand according to the last or any subsequent Federal Census the cost of stamps and telephones used by the county officers shall not be paid by the counties.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Hall	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony	Hooton		

—30

The bill:

H. 379. To make it a felony to attempt to kidnap any person with intent to obtain money or property for the release of the person attempted to be kidnaped, and to provide a punishment therefor.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Delony	Hubbard	Mullins
Beasley	Duncan	Kelley	Powell
Caffey	Edmundson	Lusk	Scruggs
Cooper	Faulk	McDaniel	Shepherd
Cowart	Garrett	McDowell	Warren
Darden	Hooton	Millsap	Wikle

—24

The bill:

S. 173. To amend Section 3316 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Darden	Hooton	Millsap
Beasley	Delony	Hubbard	Mullins
Bonner	Duncan	Kelley	Powell
Caffey	Edmundson	Lusk	Shepherd
Cooper	Goodwin	McDaniel	Warren
Cowart	Hall	McDowell	Wikle
Craft	Hildreth		

25

The bill:

S. 202. To amend an Act entitled An Act "To regulate the operation of trucks and other vehicles on the highway so as to better protect, or, prevent the injuring and the killing of, school children,—pupils or students—while being transported to and from school on school buses, and to provide penalties for violating the provisions of this Act," approved November 8th, 1932, General Acts of Alabama, Extra Session, 1932, pages 216-225, both inclusive.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 1.

*Yeas:**Messrs.:*

Bartlett	Craft	Goodwin	Powell
Beasley	Darden	Hall	Scruggs
Bonner	Duncan	Hubbard	Shepherd
Caffey	Edmundson	Kelley	Warren
Cooper	Faulk	McDowell	Wikle
Cowart	Garrett	Mullins	

—23

Nay: Mr. Hildreth

— 1

The bill:

S. 188. To prevent the fraudulent sale of meats and meat products as "Kosher"; and fix the penalty for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Fletcher	Scruggs
Beasley	Darden	Goodwin	Shepherd
Bonner	Delony	Hooton	Teasley
Caffey	Duncan	Hubbard	Warren
Cooper	Edmundson	Kelley	Wikle
Cowart	Faulk	Mullins	

—23

The bill:

S. 204. To amend Section 6702 of the Code of Alabama 1923, as amended by an Act approved August 24, 1927, and entitled "An Act to amend Section 6702 of the Code of Alabama, 1923".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth		

—30

The bill:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every County of the State of Alabama whose boundary lines have been altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Millsap
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Lusk	Teasley
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hall		

—30

The bill:

H. 230. To authorize Cities, towns and municipalities operating water plants and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

Was read a third time at length and passed.

Yeas, 23; nays, 8.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell	
Caffey	Faulk	Kelley	Riddle	
Cowart	Fletcher	Lapsley	Scruggs	
Craft	Garrett	McDaniel	Shepherd	
Darden	Goodwin	McDowell	Walker	
Delony	Hall	Millsap		—23

Nays:

Messrs.:

Beasley	Edmundson	Hooton	Teasley	
Bonner	Hildreth	Mullins	Wikle	— 8

The bill:

H. 229. To authorize cities, towns and municipalities to construct, lease, purchase or otherwise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Was read a third time at length and passed.

Yeas, 25; nays, 7.

Yeas:

Messrs.:

Bartlett	Faulk	Kelley	Riddle	
Caffey	Fletcher	Lapsley	Scruggs	
Cowart	Garrett	McDaniel	Shepherd	
Craft	Goodwin	McDowell	Walker	
Darden	Hall	Millsap	Warren	
Delony	Hubbard	Powell	Wikle	
Duncan				—25

Nays:

Messrs.:

Beasley	Edmundson	Hooton	Teasley	
Bonner	Hildreth	Mullins		— 7

The bill:

H. 231. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and

to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

Was taken up.

Mr. Walker offered the following amendment to said bill, to-wit:

Amend H. 231 as follows: Amend Section 8 by making word "accumulative" "cumulative."

Amend Section 2 by adding after the words, "May deem necessary or expedient but no such city" these words "that has reached or exceeded its constitutional debt limits."

Which was adopted.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Faulk	Lapsley	Scruggs
Caffey	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hall	Millsap	Wikle
Darden	Hildreth	Mullins	

—31

Mr. Powell offered the following amendment to said bill, to-wit:

Amend H. 231 as follows: by striking out the word "No" in line 3 on page 3 in Section 4 where words "nor no receiver" occur.

Which was adopted.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Riddle
Beasley	Duncan	Hubbard	Scruggs
Bonner	Edmundson	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hall	Powell	

—31

Mr. Mullins offered the following amendment to said bill, to-wit:

Amend H. 231 by adding, after Section 1 thereof, the following:

Section 1-A. Whenever any county, municipal corporation or city proposes to exercise the authority granted in Section 1 hereof and at the time it is proposed to exercise such authority there is then in existence within the territory in which it is proposed to furnish such commodity or service a plant or distribution system, either or both, or any part or parts thereof, furnishing the commodity or service so proposed to be furnished by such county, municipal corporation or city, then such county, municipal corpora-

tion or city, as a condition to the exercise of such authority, shall acquire so much of such existing plant and system as shall be located in the territory in which it is proposed to furnish such commodity or service and shall pay just compensation therefor to the owner or owners thereof. In the event any such county, municipal corporation or city and the owner or owners of such plant or system are unable to agree upon such just compensation within three months after the said county, municipal corporation or city shall have authorized in the manner provided by law its governing body to exercise the authority herein conferred, then such county, municipal corporation or city, shall proceed to acquire by eminent domain proceedings so much of such plant and system as shall be located within the territory in which it is proposed to furnish such commodity or service, which proceedings shall be governed in all respects by the general laws of this State relating to the condemnation of lands for public uses, except that said proceedings may be instituted and maintained by such county, municipal corporation or city in its own name without giving bond, except when required by the Constitution, or security for costs. Cases involving condemnation proceedings under the provisions of this act shall have preference in the trial thereof, in all courts, over all cases, except criminal cases and cases involving extraordinary rights or remedies.

On motion of Mr. Walker, said amendment was laid on the table.

Yeas, 19; nays, 14.

Yeas:

Messrs.:

Bartlett	Delony	Hall	Powell	
Caffey	Duncan	Kelley	Riddle	
Cowart	Fletcher	McDaniel	Scruggs	
Craft	Garrett	McDowell	Walker	
Darden	Goodwin	Millsap		—19

Nays:

Messrs.:

Beasley	Hildreth	Lusk	Teasley	
Bonner	Hooton	Mullins	Warren	
Edmundson	Hubbard	Shepherd	Wikle	
Faulk	Lapsley			—14

PAIR ANNOUNCED

Mr. Cooper announced that he and Mr. Brown were paired on this vote; that Mr. Brown, if present, would vote "Aye" and he, Mr. Cooper, would vote "No."

Said bill, as thus amended was read a third time at length and passed.

Yeas, 22; nays, 11.

*Yeas:***Messrs.:**

Bartlett
Caffey
Cowart
Craft
Darden
Delony

Duncan
Fletcher
Garrett
Goodwin
Hall
Kelley

McDaniel
McDowell
Millsap
Powell
Riddle

Scruggs
Shepherd
Walker
Warren
Wikle

—22

*Nays:***Messrs.:**

Beasley
Bonner
Edmundson

Faulk
Hildreth
Hooton

Hubbard
Lapsley
Lusk

Mullins
Teasley

—11

PAIR ANNOUNCED

Mr. Cooper announced that he and Mr. Brown were paired on this vote; that Mr. Brown, if present, would vote "Aye" and he, Mr. Cooper, would vote "No."

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 71. To amend Section Three of an act of the Legislature of Alabama passed over the Governor's veto June 16th, 1931, entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond and compensation of such Deputy County Treasurers," so as to reduce the compensation of said official to \$1800.00 per year.

Also:

H. 413. To provide for the levy, assessment, payment and collection of an Excise tax for the privilege of engaging in the State of Alabama in the business of Banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks. To provide for the making of return for Assessment of said Tax, To prescribe the rate of such Tax and the privileges and exemptions secured by its payment, To provide for the distribution of the proceeds of such tax to the State and to the several Counties and Municipalities of the State, Penalties for failure to make such returns and for Failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation. And to repeal an act of the Legislature of Alabama approved October 22, 1932 entitled "An Act to provide for the levy, assessment, payment and collection of an Excise Tax for the privilege of engaging in the State of Alabama in

the Business of Banking and of Conducting a financial business employing moneyed Capital coming into competition with the business of National Banks, to provide for the making of return for assessment of said tax, to prescribe the rate of such tax and the privileges and exemptions secured by its payment, to provide for the distribution of the proceeds of such tax to the State, and to the several Counties and Municipalities of the State, Penalties for failure to make such returns, and for failure to pay said tax, and to exempt moneyed Capital so employed and Shares of Corporations and Associations which return and pay said excise tax from ad volorem taxation.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Lancaster (by request) (with notice and proof):

H. 460. To alter the corporate limits of the City of Wetumpka, Alabama, and to define the boundaries thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the present Special Session of the Legislature of Alabama for the passage of an act, the substance of which will be to change the corporate limits of the City of Wetumpka, in Elmore County, Alabama, so that thereafter the corporate limits of said City of Wetumpka shall be as follows:

Hereafter the corporate limits of the City of Wetumpka shall be as follows: Beginning at the southeast corner of Section 18, Township 18, Range 19, a marble slab marker for the corner, thence north 3,960 feet to the southwest corner of the Northwest quarter of the Northwest quarter of Section 17, Township 18, Range 19, thence east 1,320 feet, thence north 1,320 feet, thence west, 990 feet to a certain granite slab which is on the north boundary line of Section 17, Township 18, Range 19, thence north paralleling the Central Plank Road for 880.3 feet, thence north 79 degrees 00 minutes west for 1,397 feet to the east bank of the Coosa River, thence south along said River bank for 1,183 feet to a certain granite slab which is on the north boundary line of Section 18, Township 18, Range 19, thence west 4,274 feet to the southeast corner of Section 12, Township 18, Range 18, thence north along the east line of Section 12, 850 feet, thence west 2,640 feet, thence south 850 feet to the half mile corner on the north line of Section 13, Township 18, Range 18, thence west 2,640 feet to the northwest corner of Section 13, Township 18, Range 18, thence south 5,230 feet to the southwest corner of Section 13, thence east 4,620 feet to the east bank of the Coosa River, thence south or southerly along said river 2,700 feet to the half section line dividing Section 24, Township 18, Range 18, east and west thence east along said half section line 3,960 feet to the center of Section 19, Township 18,

Range 19, thence north 2,640 feet to the north line of Section 19, thence east 2,640 feet to the point of beginning, all in Elmore County, Alabama.

**MAYOR AND ALDERMEN OF
CITY OF WETUMPKA.**

The State of Alabama, }
Elmore County. }

Before me, the undersigned authority, in and for said county, in said State, personally appeared H. H. Golson, who, being by me first duly sworn, deposes and says, on oath, as follows:

That he is the editor of the Wetumpka Herald, a newspaper published in Wetumpka, Elmore County, Alabama, and that the notice hereto attached was published in said Wetumpka Herald for four successive weeks, on to-wit: March 2, 1933, March 9, 1933, March 16, 1933 and March 23, 1933.

H. H. GOLSON.

Sworn to and subscribed before me this the 23rd day of March, 1933.

MARY LYLE LAWSON,
Notary Public.

(Seal)

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 460, to the Committee on Local Legislation.

BILLS ON THIRD READING RESUMED

The bill:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their terms of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause

a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, **providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws,**" approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinabove, said amendatory Act being itself approved April 21, 1931.

Was taken up.

Mr. Craft offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to amend an Act of the Legislature of Alabama approved September 9th, 1927, entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said

courts; making it an offense for any person knowingly and willfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties; providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," and which Act was amended by the Legislature of Alabama by an Act approved April 21st, 1931, entitled "An Act to amend the title and section one of an Act entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries; and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts; and prescribing its duties, and providing for appeals from any order or judgment of said Courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent, or dependent, and providing punishment therefor; providing for the

transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of costs by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties; providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927", by amending Section two thereof by striking from said section the following words 'b. shall appoint all Probation Officers and servants of said Court, except the Clerk of said Court and said Probation Officers and servants shall hold their places at the will of the Commission. All appointments shall be made subject to the approval and with the consent of the judge of said Court'. and by amending section seven thereof so as to reduce and fix the salary of the Judge of said Court, and to amend Section eight of said Act so as to reduce the number and salaries of the clerks and probation officers; and to provide that the probation officers shall be appointed by and hold office at the will of the sheriff of the county; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect; and to provide that if any portion, section, subdivision or part of this Act be unconstitutional it shall not affect the balance of said Act.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections two, seven and eight of the Act of the Legislature of Alabama approved September 9th, 1927 entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation

Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children; providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment, or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," which Act has been amended by an Act of the Legislature of Alabama approved April 21st, 1931 entitled "An Act to amend the title and section one of An Act entitled "An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama not having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries; and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said

courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent, or dependent, and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927", be amended to read as follows:

"Section 2. Juvenile Commission created as part of the Court: Number of Officers, Terms and Duties of Officers. Duties of Juvenile Commission: There is hereby created a Juvenile Court Commission which shall be composed of seven (7) resident citizens of said counties who shall be chosen on account of their knowledge, interest in, care, education and welfare of youths of both sexes and who shall serve without compensation. The Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties shall appoint three members of the said Juvenile Court Commission who shall hold office at the pleasure of the said Board of Revenue and Road Commissioners, or by whatever name they may be known. The Board of City Commissioners, or other governing board of such cities or towns in which said courts are established shall appoint three members of said Board who shall hold office at the pleasure of said Board or Governing Board of such cities or towns in which said Courts are established. The six members of the Juvenile Court Commission thus appointed shall choose the seventh member of the said Juvenile Court Commission, who shall hold office for five years or until his successor shall be chosen. Women shall be eligible to membership on said Juvenile Court Commission. Four members of said Commission shall constitute a quorum. Said Commission

shall annually choose its President, Vice-President and Secretary who shall hold office until their respective successors have been elected and qualified. The Secretary shall record its proceedings and its officers shall perform the usual duties indicated by their titles. Said Juvenile Court Commission shall perform, among others, the following duties: (a) They shall appoint the Judge of said Juvenile Court; (c) and they shall exercise such powers and duties as may be now or hereafter imposed by Law and such as are necessary or proper for performing the functions above stated; but they shall not any of them preside over the Court or be its Clerk or other officer except as above stated."

"Section 7. Appointment of Judge, Term, Salary. There shall be a Judge of said Juvenile Courts whose terms of office shall be for three years from the date of their appointments, and until their successors are appointed and qualified which successors shall be appointed by the Juvenile Court Commissions of said Counties. Such Judge shall have been a citizen of the State and the County in which said Court exercises jurisdiction for at least five years before his appointment, shall be learned in the law and shall not be less than twenty-five years of age. He shall be a person of high moral character, clean life, and shall be selected for his special fitness by training, education and experience to deal with the problems of dependent, neglected and delinquent children. The salary of said Judge shall be Twelve Hundred Dollars per year, payable in twelve equal monthly installments out of the general funds of the county in which said Courts are located and exercise their jurisdictions. The Judge of said Court shall have authority where not otherwise provided for by law to fix the character and form of the records of such Courts. He may practice Law insofar as it does not interfere with his duties as a Judge, but not in any case or matter that arose in said Juvenile Court.

Section 8. Appointment of Clerk, Duties, Salary, Bond, Term, The Probation Officer, Salary, Term. There shall be a clerk of said Courts who shall administer oaths, issue process and writs from Courts, and papers from the Judge, file and keep all books, records, papers and other property pertaining to the Courts, prepare papers for appeals from the Courts, perform all other duties in connection with said Courts or Judge as said Courts or Judge may from time to time require of him, and he shall be and remain under the supervision and direction of the Judge and obey all his instructions. The clerk shall be appointed by the Judge and hold office at the will of the Judge appointing him, and hold during such Judge's tenure. The Clerk may be a woman. The Clerk shall be paid a salary of seven hundred twenty dollars per year, or at the rate for the time he or she serves, said salary to be paid in

twelve equal monthly installments out of the general fund of the Counties in which said Courts are located and exercise their jurisdiction. Before entering upon his duties the Clerk shall execute bond with such sureties as the Judge may prescribe in a penalty of not less than one thousand dollars, payable to said County with condition of faithful discharge of the duties of Clerk during incumbency and to properly account for all moneys or property that may come into his hands as Clerk and conditioned otherwise as may be prescribed by the Judge who shall approve the bond and deliver it to the County Treasurer of said Counties for safe keeping. Suits may be brought upon it by any one aggrieved by its breach until its penalty is exhausted. All necessary original and renewal premiums on the Clerk's bond shall be paid by the Counties. There shall be a Probation Officer, who shall be appointed by and hold office at the will of the sheriff of the county in which said Court is located. The Probation Officer herein mentioned may be a man or woman. The salary of the Probation Officer shall be Twelve Hundred (\$1200.00) dollars per annum, payable in twelve monthly installments out of the general fund of the County Treasury."

Section 2. This Act shall go into effect immediately, except as to those officers, if any, whose salaries are prohibited from being reduced during their term of office, by the Constitution. This Act shall, however, apply to any such officer upon the expiration of his present term of office.

Section 3. All laws or parts of laws, general, special or local in conflict herewith are hereby expressly repealed.

Section 4. Should any section, portion, sub-division or part of this Act be unconstitutional same shall not affect the validity of the remainder of this Act.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Mullins
Beasley	Edmundson	Kelley	Powell
Bonner	Faulk	Lapsley	Riddle
Caffey	Garrett	Lusk	Shepherd
Cooper	Goodwin	McDaniel	Teasley
Cowart	Hall	McDowell	Walker
Craft	Hildreth	Millsap	Warren
Delony	Hooton		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hubbard	Mullins
Beasley	Duncan	Kelley	Powell
Bonner	Faulk	Lapsley	Riddle
Caffey	Garrett	Lusk	Scruggs
Cooper	Goodwin	McDaniel	Shepherd
Cowart	Hall	McDowell	Walker
Craft	Hildreth	Millsap	Warren
Darden	Hooton		

—30

REPORT OF THE SECRETARY

To the Senate:

In accordance with the requirements of Joint Rule 5, of the House and Senate, I hereby report the following Senate bills and Senate joint resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 166. To make further provision with respect to the affairs of Banks or Corporations formed for the purpose of carrying on the business of banking and Trust Companies doing a banking business, which said banking institutions have been taken over by the State Superintendent of Banks, or which are in process of liquidation; and to confer additional powers and authority, with respect to said closed banks, upon the Superintendent of Banks and the Banking Board; to provide a method or plan whereby said closed banks may be reopened—for the transaction of business under rules and regulations laid down or promulgated by said Superintendent of Banks, with the approval of the Banking Board, and under such limitations and restrictions as may be found necessary in each particular instance or in regard to each particular banking institution concerned; the provisions herein being in addition to such other powers and rights and, such other procedure or plan, as may now or hereafter be provided for or given to said Superintendent of Banks, depositors, creditors and other interested persons, and being applicable only to banks closed for complete liquidation in the manner provided by law.

Delivered to the Governor March 16, 1933, at 10:30 A. M.

S. J. R. 47. Requesting the Governor to give public notice of the requirement to list hoarded money for taxation.

Delivered to the Governor March 16, 1933, at 10:30 A. M.

S. J. R. 48. Approving prompt and courageous action taken by the President of the United States to conserve and strengthen the financial structure of our nation.

Delivered to the Governor March 16, 1933, at 10:30 A. M.

S. 95. To authorize and empower the Court of County Commissioners of Randolph County, Alabama to use twenty percent from the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Ala-

bama, approved February 10, 1923, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the fund derived therefrom and fixing penalties for the violation of any of the provisions of this Act", which is to be paid to said Randolph County under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22nd, 1923, entitled, "An Act in reference to, and to further provide for the general revenue of the State of Alabama", for the purpose of paying interest on and establishing a sinking fund for the retirement of any public road bonds of said Randolph County heretofore issued for the purpose of constructing and maintaining roads.

Delivered to the Governor March 16, 1933, at 10:30 A. M.

S. 148. To provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number

provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State, and to provide that each voter shall cast his ballot for or against repeal of the 18th amendment and for or against ratification of the proposed 21st amendment.

Delivered to the Governor, March 21, 1933, at 12:25 P. M.

S. 13. To amend Section 3089 of the Alabama Code of 1923.

Delivered to the Governor March 23, 1933, at 4:25 P. M.

S. 91. To amend Section 7414 of the 1923 Code of Alabama.

Delivered to the Governor March 28, 1933, at 4:10 P. M.

S. 115. To authorize the State Comptroller, on delivery to him by the owner thereof, of a warrant or warrants issued prior to October 1st, 1932, for the erection, repair or equipment of school buildings, to take up and cancel or destroy such warrant or warrants and to issue, in lieu thereof, warrants of a smaller denomination, but making, in the aggregate the same amount as the warrant or warrants so taken up. The warrants so issued to be, in no case, less than for one hundred dollars each.

Delivered to the Governor March 28, 1933, at 4:10 P. M.

SECRETARY'S REPORT

The foregoing report of the Secretary was concurred in and approved.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day approved.

ADJOURNMENT

At 1:20 P. M., on motion of Mr. Hildreth and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, April 4th, 1933, at 12: M.

TWENTY-SEVENTH DAY

Tuesday, April 4th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Richard Wilkinson, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Borner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hall	Millsap	Wikle
Darden	Hildreth	Mullins	

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JOURNAL

On motion of Mr. Hooton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORTS OF COMMITTEES

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hildreth:

S. 215. To prohibit any full time executive officer of the State or Head of any State Department from receiving any salary or other compensation from any outside source, and to require that every such officer or head of department shall devote his whole time to his official duties.

By Mr. Riddle:

S. 218. To amend Section 8149 of the Code of Alabama, 1923, requiring guardians to invest surplus funds of their wards and prescribing the forms of such investments.

By Mr. Sanderson (with substitute):

H. 52. To amend Section 9008 of the Code.

Mr. Darden, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 309. To amend Section 7 of an Act entitled An Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

By Mr. Lancaster (by request) (with notice and proof):

H. 460. To alter the corporate limits of the City of Wetumpka, Alabama, to define the boundaries thereof.

Mr. Hubbard, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the fol-

lowing bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 217. To provide the way and manner of filling a vacancy on the Executive Committee of the Trustees for the Alabama School for Deaf and Blind and to fill a vacancy for the chairmanship of such committee.

ADVERSE REPORT

Mr. Bonner, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit: By Mr. Craft:

S. 213. To repeal Sections 4621, 4622, 4623, 4624 and 4626, Code of Alabama, 1923.

By Mr. Craft:

S. 216. To make lawful the sale, distribution, and possession of light wines and beer not to exceed 3.2 per cent alcohol in counties of not less than 115,000 nor more than 300,000 population according to the last or any subsequent Federal Census, and to provide for the disposition of any license taxes imposed and collected under this act.

RESOLUTIONS

Mr. Craft offered the following joint resolution:

S. J. R. 56. WHEREAS the Legislature of the State of Alabama commends Franklin Delano Roosevelt, President of these United States of America, and his administration, for the interest shown in forestry restoration, and for the influence exerted in connection with laws enacted to this end,

WHEREAS the forestry restoration laws will greatly benefit the people of these United States, both in regard to the preservation of natural resources and relief to the employment situation,

AND WHEREAS the State of Alabama, within its domain, has more than twenty-two million acres of land in dire need of reforestation, and does not of itself have funds that may be expended for such purpose,

THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that the State of Alabama be allowed to participate to the fullest extent possible in the Federal funds that are appropriated for the purpose of forestry restoration, and that the Governor of Alabama forward a copy of this resolution to the President of the United States or his duly authorized representative in this connection.

And on motion of Mr. Craft, the rules were suspended and the resolution adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 57. Be It Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, April 7th, 1933, at 9:30 A. M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

Mr. Mullins offered the following joint resolution:

S. J. R. 58. BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives concurring, two-thirds of the members of each House voting for the adoption hereof, that:

WHEREAS, with reference to that certain Act passed by the Legislature on March 28th, 1933, notwithstanding its return without approval by the Governor, relating to the holding of a convention for the ratification or rejection of what was referred to therein as the proposed 21st Amendment to the Constitution of the United States, certain confusion has arisen as to the interpretation of said act as reflected in the endorsement thereon of non-approval by the

WHEREAS, it is deemed by the Legislature that such confusion as to the legislative intent should be affirmatively removed by joint resolution of the Senate and House adopted with the concurrence of more than two-thirds of each House.

THEREFORE, be it resolved that it was and is the intention of the Legislature in and by said act to call a convention within the State of Alabama to act upon the amendment proposed to the Constitution of the United States by joint resolution of the Senate and House of Representatives of the United States adopted on, to-wit, February 20, 1933, proposing the Amendment to the Constitution by the repeal of the 18th Article of Amendment thereof and otherwise as in said proposed amendment more fully set out.

RESOLVED, further, that all and singular the provisions in said act referring to the proposed 21st Amendment to the Constitution of the United States were and are intended to refer to the Amendment to the Constitution of the United States proposed by the joint resolution above mentioned.

RESOLVED, further, that each and all of the provisions of said Act relating to the indication by the voters of their choice as to repeal or no repeal of the 18th Amendment to the Constitution of the United States by the ratification or rejection of the proposed amendment, and as to the effect of the failure of the voter to indicate such choice, and as to the pledge of the candidates and the oath to be subscribed by them, and as to the requirement that the elected delegates will be required to support and vote for the ratification of the proposed 21st Amendment if a majority of the ballots be cast for

ratification, and for the rejection of the proposed 21st Amendment if a majority be in favor of rejection, be and the same are hereby declared to be severable and secondary, and not sufficient to have resulted in the failure of the Legislature to adopt said Act, notwithstanding its failure to receive Executive approval, had all or any of said severable provisions not been included therein, or, in the event that any or all of said provisions should be held or deemed to be void, invalid, or unenforceable; the purpose and intent of the Legislature of Alabama being that a convention should be assembled to act upon said proposed Amendment in all respects as proposed by the Congress of the United States and as provided in the Constitution thereof, and all such details as to expression by the electorate and the effect thereof being collateral, severable, secondary and not indispensable provisions of the Act or necessary to its adoption.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 231. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 71. To amend Section Three of an act of the Legislature of Alabama passed over the Governor's veto June 16th, 1931, entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond and compensation of such Deputy County Treasurers," so as to reduce the compensation of said official to \$1800.00 per year.

Also:

H. 229. To authorize cities, towns and municipalities to construct, lease, purchase or other wise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Also:

H. 230. To authorize cities, towns and municipalities operating water plants and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

Also:

H. 231. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

Also:

H. 235. To require that all County officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond.

Also:

H. 276. To provide that in all counties which now have or may hereafter have a population of Sixteen thousand and not more than Seventeen thousand according to the last or any subsequent Federal Census the cost of stamps and telephones used by the county officers shall not be paid for by the counties.

Also:

H. 379. To make it a felony to attempt to kidnap any person with intent to obtain money or property for the release of the person attempted to be kidnaped, and to provide a punishment therefor.

Also:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every county of the State of Alabama whose boundary lines have been altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

Also:

H. 413. To provide for the levy, assessment, payment and collection of an Excise tax for the privilege of engaging in the State of Alabama in the business of Banking and of conducting a financial business employing moneyed capital coming into competition with

the business of National Banks, To provide for the making of return for Assessment of said Tax, To prescribe the rate of such Tax and the privileges and exemptions secured by its payment, To provide for the distribution of the proceeds of such tax to the State and to the several Counties and Municipalities of the State, Penalties for failure to make such returns and for Failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation. And to repeal an act of the Legislature of Alabama approved October 22, 1932 entitled "An Act to provide for the levy, assessment, payment and collection of an Excise Tax for the privilege of engaging in the State of Alabama in the Business of Banking and of Conducting a financial business employing moneyed Capital coming into competition with the business of National Banks, to provide for the making of return for assessment of said tax, to prescribe the rate of such tax and the privileges and exemptions secured by its payment to provide for the distribution of the proceeds of such tax to the State, and to the several Counties and Municipalities of the State, Penalties for failure to make such returns, and for failure to pay said tax, and to exempt moneyed Capital so employed and Shares of Corporations and Associations which return and pay said excise tax from ad valorem taxation.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Green:

H. 466. To aid relief of unemployment or destitution through relocation on farm or truck lands or other lands, by authorizing the respective Judges of Probate to accept title to lands within their respective counties, subject to a plan or program approved as provided by the Act; to make provision as to exemption from taxation, licenses and fees, in furtherance of such plan or program; and for the release of lands therefrom.

Also:
By Mr. Goodwyn:

H. 389. To authorize and empower Boards of Revenue, Courts of County Commissioners, and governing bodies of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, to expend annually out of the general funds of the respective counties a sum of not exceeding six thousand Dollars per annum towards the establishment, equipment, operation and maintenance of a radio broadcasting station now or hereafter established, where such radio broadcasting station is to be used to aid in the suppression of crime, the detection of criminals and the enforcement of the criminal laws of the State.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 466, to the Committee on Judiciary.

H. 389, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Fite:

H. 247. To amend Section 5 of an Act entitled: "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 247, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

By Mr. Taylor:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor, providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said

court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

and requests Committee of Conference, and the Speaker has named as committee on part of the House, Messrs. Sossaman, Taylor and Granade.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Craft, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 179, the title of which is set out in the foregoing Message from the House, and the President and Presiding Officer of the Senate appointed as a Committee on part of the Senate, Messrs. Craft, Russell and Sossaman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 390. To fix and limit the amount that may be expended and allowed by Assistant Examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowances for expenses or transportation except when they are out of the City of Montgomery on official business.

Said Governor's Message containing his objection and proposed amendment to said bill, H. 390, being in words and figures as follows, to-wit:

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to the House of Representatives, the body in which it originated, House Bill No. 390 without my approval.

I am suggesting an amendment which, if agreed to by you, will cause the Act to meet my approval.

I recommend that the title of the bill be amended so as to read as follows:

An act to fix and limit the amount which may be expended and allowed by assistant examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowances for expenses or transportation except when they are away from their homes on official business.

I recommend that Section 1 of the bill be amended so as to read as follows:

The assistant examiners of public accounts shall be reimbursed their actual transportation expenses and in addition thereto shall be paid the sum of Three Dollars (\$3.00) for traveling expenses while away from their homes on official business, provided that they shall not draw any sum for expenses except when away from their homes on official business.

I recommend the changes because a number of the examiners of public accounts live away from Montgomery and can live away from Montgomery more economically to themselves and with less expense to the State.

Respectfully,

B. M. MILLER,
Governor.

March 30, 1933.

And the House has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 59; nays, 1.

And said bill as thus amended by the amendment proposed by the Governor was again read a third time, at length, and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 59; nays, 1.

And said bill together with the Governor's Message containing the proposed amendment is sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Powell, the Senate concurred and adopted the amendment proposed by His Excellency, the Governor, to H. 390, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Kelley	Powell
Beasley	Darden	Lapsley	Riddle
Bonner	Delony	Lusk	Scruggs
Brown	Duncan	McDaniel	Teasley
Caffey	Goodwin	McDowell	Warren
Cooper	Hildreth	Mullins	Wikle
Cowart	Hubbard		

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And said bill, as thus amended, by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Bonner	Caffey	Cowart
Beasley	Brown	Cooper	Craft

Darden
Delony
Duncan
Faulk
Garrett
Goodwin

Hall
Hildreth
Hubbard
Kelley
Lapsley

Lusk
McDaniel
McDowell
Powell
Riddle

Scruggs
Teasley
Walker
Warren
Wikle

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MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

On account of the resignation of Honorable D. Hardy Riddle, as a member of the Board of Trustees of the Alabama Institute for Deaf and Blind, I have appointed Mr. W. E. Henkle, Talladega, Alabama, to succeed him, his term expiring November 2, 1934.

This appointment is submitted to you for your confirmation or for such other action as to you may seem right and proper.

Respectfully,
B. M. MILLER,
Governor.

April 4, 1933.

GOVERNOR'S MESSAGE

ment by His Excellency, the Governor, of Honorable W. E. Henkle as a member of the Board of Trustees of the Alabama Institute for Deaf and Blind, for the term expiring November 2, 1934, to fill the vacancy caused by the resignation of Senator D. Hardy Riddle.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Faulk
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell

Mullins
Powell
Riddle
Scruggs
Shepherd
Teasley
Wikle

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RECESS

At 1: P. M., on motion of Mr. Hildreth, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—TWENTY-SEVENTH DAY

Tuesday, April 4th, 1933.

The Senate re-assembled at 3: o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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REPORT OF COMMITTEE

Mr. Hubbard, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 178. To amend an Act of the Legislature of Alabama, approved September 9, 1927, (General Acts of Alabama of 1927, page 564) to advance the cause of education, etc., by striking therefrom the last thirteen words thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 56. Relative to commending President Roosevelt for the interest shown in forestry restoration, and the influence exerted in connection with laws enacted to this end.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 57. Relative to the adjournment of the two Houses until Friday, April 7th, 1933, at 9:30 A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

OPINION OF SUPREME COURT

TO THE SENATE OF ALABAMA:

Replying to your Resolution No. 55, asking an opinion as to House Bill No. 53 proposing Amendment No. XXII to the Constitution of 1901, will say:

There is a glaring conflict between the rate of the income tax as proposed by Section 1 of the Act and that required to be set out in the notice as provided by Section 3, and which indicates an oversight on the part of the House in the adoption of same. Section 1, however, conforms with Section 284 of the Constitution in fixing and prescribing the amendment and the rate so fixed must prevail over that set out in Section 3 which was unauthorized by Section 285 of the Constitution and should be disregarded as surplusage in the preparation of the ballot.

While Section 285 provides for the form of the ballot and the placing on same certain matter following the substance of the proposed amendment, it does not provide that the amendment be set out *in haec verba*, but that the "substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated." Therefore the attempt of the Legislature to require to be printed on the ballot matter at variance with the proposed amendment is unauthorized and violates Section 285 and should be disregarded in the preparation of the ballot which should contain the substance or subject matter of the amendment proposed by Section 1 of the Act. *Jones et al. v. McDade*, 200 Ala. 230.

We do not think that this abortive attempt to place erroneous matter upon the ballot as prepared complies with Section 285.

Respectfully,
JNO. C. ANDERSON,
Chief Justice.
LUCIEN D. GARDNER,
WILLIAM H. THOMAS,
VIRGIL BOULDIN,
JOEL B. BROWN,
ARTHUR B. FOSTER,
THOMAS E. KNIGHT,
Associate Justices.

OPINION

The foregoing Opinion of the Supreme Court was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report of Committee on Enrolled Bills.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Walker, the Senate indefinitely postponed further consideration of the bills:

S. 177. To authorize cities, towns and municipalities to construct, lease purchase or otherwise acquire power lines for the transmission of electricity from any point in this State or any other State for the purpose of serving its citizens, and granting the right of eminent domain to such municipalities.

Also:

S. 178. To authorize cities, towns and municipalities operating water plants, and or electric light and power plants to contract with and sell water and power to other municipalities and to residents of same.

Also:

S. 179. To authorize counties, municipal corporations, and cities within this State to acquire by purchase, construction, condemnation and/or otherwise electric light plants, power plants, power lines, transmission lines and power distributing systems and to maintain, improve, extend and operate public utilities and to borrow money for said purposes and to provide for the securing and repayment of such money with interest.

BILLS ON THIRD READING

The bill:

H. 326. To extend to lands within the watershed of the Tennessee River in Alabama the provisions of the Act entitled "An Act to give consent of the State of Alabama to and for the acquisition by the United States of such lands within the State as may be needed for the consolidation and administration of National Forests," approved March 4, 1931.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hall	Mullins
Beasley	Darden	Hildreth	Powell
Bonner	Delony	Hubbard	Walker
Brown	Faulk	Kelley	Warren
Caffey	Garrett	McDaniel	Wikle
Cowart	Goodwin	McDowell	

—23

The bill:

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama to establish, maintain and operate a telegraph office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Faulk	Kelley	Scruggs
Brown	Fletcher	Lusk	Shepherd
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	McDowell	Warren
Cowart	Hall	Mullins	Wikle
Darden	Hildreth		

—30

The bill:

S. 176. To alter and rearrange the boundary line between Winston and Marion Counties.

Was taken up.

Mr. Cowart offered the following substitute for said bill to-wit:

A BILL

To be Entitled an Act to alter and re-arrange the boundary line between Winston and Marion Counties.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby detached from Winston County and is hereby added to Marion County all of Sections 5, 6, 7, 8, 17, 18, 19, 20, 30, 31, 32, in Township 9, Range 10, West, Also Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 in Township 10, Range 10, West, in Winston County, Alabama.

Section 2. That except as arranged and provided in Section 1 of this Act the boundary line between Winston and Marion Counties shall remain as at present fixed by law.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 4. This Act shall take effect upon its approval by the Governor or becoming a law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or called session for the year 1933, for the passage of a local act for Winston County which act is in substance as follows:

AN ACT

To alter and re-arrange the boundary line between Winston and Marion Counties.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby detached from Winston County and is hereby added to Marion County all of Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32, in Township 9, Range 10, West. Also Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 in Township 10, Range 10, west, in Winston County, Alabama.

Section 2. That except as arranged and provided in Section 1 of this Act the boundary line between Winston and Marion Counties shall remain as at present fixed by law.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed:

Section 4. This Act shall take effect upon its approval by the Governor or becoming a law.

MANY CITIZENS.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, Winston County

I, Geo. W. Adkins, publisher of The Winston Herald, a weekly newspaper of general circulation published at Double Springs, in Winston County, Ala., do hereby certify that the notice of intention to pass act of local law by Legislature of Alabama (copy attached) has been published in the above named newspaper for four regular successive weekly issues prior to date viz: in the issues bearing the following dates: February 10, 17, and 24, and March 3, 1933.

This March 29, 1933.

GEO. W. ADKINS,
Publisher Herald.

Sworn to and subscribed before me, this March 29, 1933.

C. F. GILBREATH,
Notary Public.

NOTICE

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or call session for the year 1933, for the passage of a local act for Winston County and Marion County, which act is in substance as follows:

To alter and rearrange the boundary line between Winston and Marion Counties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby detached from Winston County and is hereby added to Marion County all of Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32 in Township 9, Range 10 West. Also Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32 in Township 10, Range 10 West in Winston County, Alabama.

Section 2. That except as arranged and provided in Section 1 of this Act the boundary line between Winston and Marion Counties shall remain as at present fixed by law.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 4. This Act shall take effect upon its approval by the Governor or becoming a law.

MANY CITIZENS.

PUBLISHER'S AFFIDAVIT

State of Alabama, Marion County

Before me, W. H. Cantrell, Judge of Probate in and for said County, in State aforesaid, personally appeared F. B. McKENZIE, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 28th day of March, 1933, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 8 the 16th day of February 1933, No. 9 the 23rd day of February, 1933, No. 10, the 2nd day of March, 1933, No. 11, the 9th day of March, 1933.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$9.00 and unpaid

F. B. McKENZIE,
Publisher.

Sworn to and subscribed before me, this 28th day of March, 1933.

W. H. CANTRELL,
Judge of Probate.

Which was adopted.

Years, 30; days, 0.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Powell
Beasley	Duncan	Lapsley	Riddle
Brown	Edmundson	Lusk	Scruggs
Caffey	Faulk	McDaniel	Shepherd
Cooper	Garrett	McDowell	Teasley
Cowart	Goodwin	Millsap	Walker
Craft	Hildreth	Mullins	Warren
Darden	Hubbard		

—30

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Brown	Faulk	Lapsley	Scruggs
Caffey	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony	Hooton		

—30

The bill:

S. 209. To require that all sentences for a term or terms of less than six months as penalties for offenses and to enforce payment or satisfaction of fine imposed in misdemeanor cases tried and convicted in the Courts of all Counties of this State for violations of the Criminal Laws of this State, where such Counties do not now or may not hereafter work their County convicts on the public roads or at other work in such Counties, shall be to imprisonment in the County Jail for the term or terms of such sentences.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill, to-wit:

Amend S. 209 as follows:

1. Strike out words "shall" in line seven of Section 1 and substitute in lieu thereof the words "may at the election of the State Board of Administration."

2. Add the following at the end of Section 1, viz: "At the expense of the State."

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	McDowell
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Powell
Caffey	Garrett	Kelley	Warren
Cooper	Goodwin	McDaniel	Wikle
Craft	Hall		

—22

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Powell
Bonner	Duncan	Kelley	Riddle
Brown	Garrett	Lapsley	Scruggs
Caffey	Goodwin	McDaniel	Walker
Cooper	Hall	McDowell	Warren
Craft	Hildreth	Millsap	Wikle

—28

The bill:

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Brown	Edmundson	Lapsley	Scruggs
Caffey	Faulk	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

The bill:

S. 5. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXIII," said amendment to be as follows: "ARTICLE XXIII." Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this amendment no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this state, except as herein provided for, shall be absolutely void; provided that all warrants issued by the State dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the state; the said warrants may be made payable at a future date not later than January 1, 1953, and new warrants in the same or other denominations may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the State and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the Legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State," and to provide for an election thereon.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 19th day of September, 1933, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

ARTICLE XXIII. Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this amendment no new debt shall be created against, or incurred by this state, or its authority, except to repel invasion or suppress insurrection, and then only by the concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this state, except as herein provided for, shall be absolutely void; provided that all warrants issued by the state dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the state; the said warrants may be made payable at a future date not later than January 1, 1953, and new warrants in the same or other denominations may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the state and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

ARTICLE XXIII. Section 213 of the Constitution of the State of Alabama of 1901 is hereby amended so that the same shall read as follows: Section 213. After the ratification of this

amendment no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the legislature, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided that all warrants issued by the State dated prior to October 1, 1932, be and the same are hereby ratified and made the binding obligation of the state; the said warrants may be made payable at a future date not later than January 1, 1953, and new warrants in the same or other denominations may be issued in lieu of those now outstanding, but shall not be for an amount in excess of the present outstanding warrants. The said warrants so issued shall bear interest at a rate not to exceed five percent (5%), shall be negotiable and shall not be sold or exchanged at a price less than par. The said warrants shall be the direct obligation of the State and the full faith and credit of the State is hereby irrevocably pledged to their payment. They shall be forever exempt from all taxes of every kind. The fund set apart and appropriated by the Legislature for their payment, or any substitute therefor, shall be held and preserved as a trust fund for the payment of the said warrants and the interest thereon. The Governor may be authorized to negotiate temporary loans, never to exceed Three Million Dollars, to met the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State. (Yes_____)(No_____).

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Teasley offered the following substitute for said bill, to-wit:

Substitute for S. 5:

S. 5. A bill to be entitled An Act to propose an amendment to Section 213 of the Constitution of Alabama to be known and designated as Article XXIII thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 213 of the Constitution of the State of Alabama to be known and designated as Article XXIII thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 213. After the ratification of this Constitution, no new debt shall be ordered against, or incurred by the State, or its authority except to repeal invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; provided, the Governor may be authorized to negotiate temporary loans, never to exceed Three Hundred Thousand Dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided, further, that this Section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State. Provided, further, that this Section shall not be so construed as to prevent the Governor from paying interest at the rate of not exceeding 5% per annum, payable semi-annually from July 1, 1933, on the floating indebtedness of the State at the close of business on September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury, as provided by law, amounting in the aggregate to \$16,943,357.12 and items enumerated in an act of the Legislature number 294, being Senate Bill 272, approved November 9, 1932, all of which are hereby ratified and confirmed. All warrants and/or instruments issued or to be issued representing such indebtedness shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such warrants and/or instruments shall be exempt forever from all taxes of every kind. Any act creating or incurring any new debt against the State, except as herein provided for, shall be absolutely void. To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the State, and interest thereon, the net proceeds of any income tax which may be levied

by the Legislature pursuant to law is hereby pledged. To prevent future deficits in the State Treasury, it shall be unlawful from and after the adoption of this amendment for the State Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer, unless there is in the hands of such Treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the State Comptroller for the issuance of warrants, the Comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all of said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this amendment shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz; "Shall the following be adopted as an amendment to Section 213 of the Constitution of Alabama? "Section 213—After the ratification of this Constitution, no new debt shall be created against, or incurred by the State, or its authority except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; provided, the Governor may be authorized to negotiate temporary loans, never to exceed Three Hundred Thousand Dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided, further, that this Section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State. Provided, further, that this Section shall not be so construed as to prevent the Governor from

paying interest at the rate of not exceeding 5% per annum, payable semi-annually from July 1, 1933, on the floating indebtedness of the State at the close of business on September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury, as provided by law and amounting in the aggregate to \$16,943,357.12 and items enumerated in an act of the Legislature number 294, being Senate bill 272, approved November 9, 1932, all of which are hereby ratified and confirmed. All warrants and/or instruments issued or to be issued representing such indebtedness shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such warrants and/or instruments shall be exempt forever from all taxes of every kind. Any act creating or incurring any new debt against the State, except as herein provided for, shall be absolutely void. To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the State, and interest thereon, the net proceeds of any income tax which may be levied by the Legislature pursuant to law is hereby pledged. To prevent future deficits in the State Treasury, it shall be unlawful from and after the adoption of this amendment for the State Comptroller or the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer unless there is in the hands of such Treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the State Comptroller for the issuance of warrants, the Comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all of said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this amendment shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

"YES _____" "NO _____"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall

be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Mr. Faulk offered the following amendment to said substitute to-wit:

Amend Teasley substitute for S. 5 as follows:

Section 6. No part of said warrants, nor of the proceeds of sale thereof shall be used or spent in the payment of any debt, or obligation, real or constructive, that may be due by or from any department of the State of Alabama to any other branch or department of the State of Alabama.

On motion of Mr. Teasley, said amendment was laid on the table.

Mr. Lusk offered the following amendment to said substitute to-wit:

Amend Teasley substitute for S. 5 as follows:

1. By striking out the sentence beginning on line six of page two and also the same sentence beginning with lines 32 page 3 of said bill and substituting therefor in both places the following:

"To provide for the prompt and faithful payment of the floating indebtedness of the State, and interest thereon, the same is made a preferred charge on the general fund of the State."

On motion of Mr. Teasley, said amendment was laid on the table.

Mr. Warren offered the following amendment to said substitute to-wit:

Amend Teasley substitute for S. 5 as follows:

Amend Section 2 thereof by adding at the end thereof the following words: appropriations which are required by act of the Legislature heretofore enacted to be paid in full and not prorated shall not be cancelled or prorated but must be paid in full.

Amend Section 3 by adding at the end thereof the following words: appropriations which are required by act of the Legislature heretofore enacted to be paid in full and not prorated shall not be cancelled or prorated but must be paid in full.

On motion of Mr. Teasley, said amendment was laid on the table.

Yeas, 19; nays, 12.

Yeas:

Messrs.:

Caffey	Edmundson	Hildreth	Powell	
Cooper	Faulk	Kelley	Teasley	
Cowart	Fletcher	Lapsley	Walker	
Craft	Goodwin	McDaniel	Wikle	
Delony	Hall	McDowell		—19

Nays:

Messrs.:

Beasley	Garrett	Lusk	Scruggs	
Brown	Hooton	Mullins	Shepherd	
Darden	Hubbard	Riddle	Warren	—12

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend substitute for S. 5 by striking therefrom wherever they appear the following words beginning with "to create a sinking fund" and ending with "is hereby pledged."

On motion of Mr. Teasley, said amendment was laid on the

Yeas, 22; nays, 10.

Yeas:

Messrs.:

Beasley	Darden	Kelley	Scruggs	
Brown	Delony	McDaniel	Shepherd	
Caffey	Fletcher	Millsap	Teasley	
Cooper	Garrett	Powell	Walker	
Cowart	Goodwin	Riddle	Warren	
Craft	Hubbard			—22

Nays:

Messrs.:

Bartlett	Faulk	Hooton	Lusk	
Bonner	Hall	Lapsley	Mullins	
Duncan	Hildreth			—10

And the substitute offered by Mr. Teasley was then adopted.

Yeas, 30; nays, 3.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Riddle	
Beasley	Delony	Hooton	Scruggs	
Bonner	Duncan	Hubbard	Shepherd	
Brown	Faulk	Kelley	Teasley	
Caffey	Fletcher	McDaniel	Walker	
Cooper	Garrett	Millsap	Warren	
Cowart	Goodwin	Powell	Wikle	
Craft	Hall			—30

Nays:—Messrs. Lapsley, Lusk and Mullins

— 3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 3.

Yeas:

Messrs.:

Beasley	Darden	Hall	Riddle
Bonner	Delony	Hildreth	Scruggs
Brown	Duncan	Hooton	Shepherd
Caffey	Faulk	Hubbard	Teasley
Cooper	Fletcher	Kelley	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	Powell	Wikle

—28

Nays:—Messrs. Lapsley, Lusk and Mullins

— 3

The bill:

S. 6. To provide for the issuance, sale and/or exchange of interest bearing warrants of the State of Alabama for the purpose of refunding all outstanding warrants dated prior to October 1, 1932, as authorized by an amendment to the Constitution of Alabama known as Article XXIII; to create a commission to carry out the provisions of this Act; to make an appropriation to pay interest and principal of said warrants and to designate the funds from which said appropriation shall be made.

Was taken up.

Mr. Teasley offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to authorize and provide for the issuance, sale and/or exchange of interest bearing warrants and/or other interest bearing instruments of the State of Alabama, for the purpose of refunding the floating indebtedness of the State at the close of business September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury as provided by law, amounting in the aggregate to \$16,943,357.12/100 and items enumerated in an Act of the Legislature number 294, being Senate bill number 272, approved November 9, 1932, as authorized by an amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII.

Be it enacted by the Legislature of Alabama:

SECTION 1. That there is hereby authorized to be issued, sold and/or exchanged interest bearing negotiable warrants and/or other instruments in an amount not to exceed the floating indebtedness of the State at the close of business September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury as provided by law, amounting in the aggregate to \$16,943,357.12/100 and items enumerated in an Act of the Legislature

number 294, being Senate bill number 272, approved November 9, 1932.

SECTION 2. Said warrants and/or instruments, and interest thereon, when issued, sold or exchanged, shall be exempt from all taxes of every kind.

SECTION 3. The Governor, the State Comptroller and the Attorney General of Alabama are hereby constituted a Warrant Commission, with full authority to have executed, issued and to sell and/or exchange the warrants and/or other instruments herein authorized. No member of the Warrant Commission shall receive compensation in any form for any duties rendered by him in and about the issuance, sale, and/or exchange of such warrants, and/or other instruments. The Commission shall meet at the call of the Governor, who is hereby constituted its chairman, and the Commission shall elect a secretary of the Commission.

SECTION 4. Two members shall constitute a quorum of the Warrant Commission for the transaction of business and all proceedings had and done by said Warrant Commission must be reduced to writing by the Secretary, and recorded in a substantially

to the State Treasurer by the Chairman of said Warrant Commission, and attested by the Secretary of the Commission.

SECTION 5. The warrants and/or other instruments hereby authorized shall be executed, sold and/or exchanged and delivered on behalf of the State of Alabama from time to time and shall be in such denominations and numbers and series, and shall mature at such times and bear such rate of interest, not exceeding five per cent (5%) per annum payable semi-annually from July 1, 1933, as may be deemed expedient by the Warrant Commission, but such warrants and/or other instruments shall not be sold for less than the par value thereof. Warrants and/or other instruments may be issued in denominations as low as Fifty Dollars (\$50.00) and may be exchanged at par to the person who holds a warrant against the State, dated prior to October 1, 1932.

SECTION 6. Such warrants and/or other instruments shall be signed by the Governor, the State Comptroller and the State Treasurer and shall have attached thereto, attested by the Secretary of State, the Great Seal of the State of Alabama. Coupons shall be numbered and signed by the State Treasurer; provided, however, that the facsimile copy of the Treasurer's signature upon the interest coupons upon said warrants or other instruments may be lithographed in lieu of signing the same.

SECTION 7. That payment for said warrants and/or other instruments shall be made to the State Treasurer and a record and registration of same shall be kept by the State Treasurer. The fund derived from the sale of such warrants and/or other instru-

ments shall be deposited in the Treasury and designated as "Debt Amendment Fund" and shall be immediately applied to the payment of the warrants of the State outstanding on September 30, 1932, and items enumerated in an Act of the Legislature number 294, being Senate bill number 272, approved November 9, 1932, or warrants and/or other instruments may be delivered to the persons holding such warrants against the State, as hereinabove provided.

SECTION 8. The warrants and/or other instruments issued under this act shall be a direct obligation of the State and the full faith and credit of the State is pledged to the prompt payment of the principal and interest thereof. The warrants and/or other instruments provided for by this Act shall be issued under the authority of the amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII thereof. To create a sinking fund for the prompt and faithful payment of such warrants and/or other instruments, and interest thereon, the net proceeds of any income tax which may be levied by the Legislature pursuant to law, is hereby pledged and there is hereby appropriated for the payment of these warrants and/or other instruments and the interest thereon as they may mature, out of the general fund of the State, the amount necessary to pay the principal and interest in full as it matures and is due.

SECTION 9. Said warrants and/or other instruments shall be entitled to the full benefit of the sinking fund provided by said Constitutional amendment.

SECTION 10. Said warrants and/or other instruments shall be negotiable and issued in coupon form with the privilege of registration as to principal or as to principal and interest. The Warrant Commission is authorized to prescribe regulations for registering the warrants and/or other instruments and to fix a charge not to exceed fifty cents (50c) per Thousand Dollars (\$1000.00) for each registration.

SECTION 11. Said warrants and/or other instruments shall be made payable in gold coin of the United States of the present standard of weight and fineness, or its equivalent in the lawful currency of the United States.

SECTION 12. The principal and interest on said warrants and/or other instruments shall be payable at the office of the State Treasurer or at the place of business of the State Fiscal Agent in the City of New York at the option of the holder.

SECTION 13. This Act shall become operative immediately upon the proclamation of the Governor declaring that the qualified electors of the State of Alabama have ratified the amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII thereof, and in the event the said Constitu-

tional amendment is not approved by the qualified electors of the State of Alabama as an amendment to the Constitution, this act shall be null and void.

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Edmundson	Hubbard	Riddle
Beasley	Faulk	Kelley	Scruggs
Bonner	Garrett	Lapsley	Shepherd
Brown	Goodwin	Lusk	Teasley
Cooper	Hall	McDowell	Walker
Cowart	Hildreth	Mullins	Warren
Darden	Hooton	Powell	Wikle
Delony			

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And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Scruggs
Beasley	Faulk	Lapsley	Shepherd
Bonner	Garrett	Lusk	Teasley
Brown	Goodwin	McDowell	Walker
Cooper	Hall	Powell	Warren
Cowart	Hildreth	Riddle	Wikle
Darden	Hooton		

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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled Senate joint resolution with the original Senate joint resolution, respectively, and find same correctly enrolled, to-wit:

S. J. R. 56. Requesting that Alabama be allowed to participate in the Federal funds that are appropriated for the purpose of forestry restoration.

T. A. Goodwin,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing joint resolution, the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Culver:

H. 239. To make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a preferred claim against the State of Alabama; and to provide that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 239, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Green:

H. 441. To provide for the appointment or election of a bailiff to attend the sessions and serve the grand jury of the circuit court in all counties of the State having a population of more than 200,000, according to the last or any subsequent federal census, and to fix the compensation for such bailiff and to provide the manner of payment thereof.

Also:

By Mr. Snodgrass:

H. 446. To amend Section 6742 of the Code of Alabama.

Also:

By Mr. Sossaman:

H. 449. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, the Tax Assessor must each year make an Assessment Book; to describe the contents of said Book; and to provide that the cost of said Book shall be paid by the governing body of such counties and shall be a preferred claim against the county; and to provide for the

repeal of all laws in conflict herewith; and to provide when this Act shall go into effect.

Also:

By Mr. Morrow:

H. 456. To officially designate October 12th as a holiday to be known as Columbus Day and Fraternal Day.

Also:

By Mr. West:

H. 457. To further provide for and regulate and control the nomination by political parties of candidates for the office of Circuit Judge in all Judicial Circuits in Alabama which now have or may hereafter have a population of three hundred thousand or more according to the last or any subsequent Federal Census; and to provide that when more than one candidate is to be nominated for the office of Circuit Judge in such circuits, the positions to be filled shall not be numbered on the official ballot in any Primary Election held for such nominations and the persons who seek said nominations shall not be required to designate or specify any particular judgeship or division of said court to which such person seeks nominations.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 441, and H. 457, to the Committee on Banking and Insurance.

H. 446 and H. 456, to the Committee on Judiciary.

H. 449, to the Committee on Local Legislation.

BILL INDEFINITELY POSTPONED

On motion of Mr. Teasley, further consideration of the bill:

S. 49. To propose an amendment to Section 213 of the Constitution of Alabama; and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

Also:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bills and returns same herewith to the Senate:

S. 96. For the Relief of the Court of County Commissioners of Randolph County.

Also:

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act and for other purposes.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hooton, the Senate concurred in the following amendment by the House to S. 96, the title of which is set out in the foregoing Message from the House, to-wit:

House committee amendment to S. 96:

That Section One be amended by adding the following at the end of said section one to-wit: In so far as the same were paid as to the upkeep and maintenance and supervision of said county roads.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Faulk	Lapsley	Scruggs
Caffey	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDaniel	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

HOUSE MESSAGE

On motion of Mr. Craft, the Senate concurred in the following amendment by the House to S. 104, the title of which is set out in the foregoing Message from the House to-wit:

Amend S. 104 as follows:

Amend the caption of said Act by adding at the end of the said caption the following:

"And to provide that seed oysters may be taken for planting purposes at any time and planted in any suitable waters within the State of Alabama; and further to provide oysters in shell may be shipped out of the State of Alabama, except for canning purposes."

And by adding Section 9½ as follows:

"Section 9½. Seed oysters for planting purposes may be taken and replanted at any time of the year and replanted in any suitable waters in the State of Alabama, such taking and replanting to be done in the manner and under the supervision and direction and rules and regulations of the Commissioner of Game and Fisheries."

And by adding Section 9¾ as follows:

"Section 9¾. Oysters in shell may be shipped out of the State of Alabama, except for canning purposes. The Commissioner of Game and Fisheries shall make and prescribe and promulgate proper rules and regulations for the shipping of oysters in the shell outside of the State of Alabama, except that no oysters shall be authorized to be shipped in the shell out of the State of Alabama for canning purposes. Provided, however, that a proportionate amount of shells as required by law shall be paid for or returned to the State or replanted as required by law.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Brown	Faulk	Lapsley	Scruggs
Caffey	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hall	Mullins	Wikle
Darden	Hildreth		

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BILLS ON THIRD READING RESUMED

The bill:

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Edmundson	Hubbard	Powell
Bonner	Faulk	Kelley	Scruggs
Brown	Fletcher	Lapsley	Shepherd
Cooper	Garrett	Lusk	Teasley
Cowart	Goodwin	McDowell	Wikle
Darden	Hildreth		

—26

The bill:

S. 208. To provide for the issuance of one or more classes of preferred stock by any incorporated bank, trust company or savings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Faulk	Kelley	Riddle
Bonner	Fletcher	Lapsley	Scruggs
Brown	Garrett	Lusk	Shepherd
Cooper	Goodwin	McDowell	Teasley
Cowart	Hall	Mullins	Wikle
Darden	Hooton		

—26

The bill:

S. 206. To require the Probate Judge; Sheriff; Tax Collector; Tax Assessor; Clerk of Circuit Court; Superintendent of Education and County Treasurer of Winston County, Alabama, to pay out of their own funds all expense of postage stamps required in the discharge of their official duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Edmundson	Lapsley	Scruggs
Brown	Faulk	Lusk	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cowart	Goodwin	Millsap	Walker
Craft	Hall	Mullins	Warren
Darden	Hildreth		

—30

The bill:

H. 401. To further regulate, fix and prescribe the duties, powers and authority of the Court of County Commissioners of Henry County, Alabama, for the purpose of securing, establishing and maintaining a more economical administration of the financial affairs of said county; to fix the date for said law to take effect and to repeal all laws in conflict.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Brown	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Shepherd
Cooper	Garrett	Lusk	Walker
Cowart	Goodwin	McDaniel	Warren
Craft	Hall	McDowell	Wikle
Darden	Hildreth		

—30

The bill:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:**Messrs.:**

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Powell
Bonner	Faulk	Kelley	Riddle
Cooper	Garrett	Lapsley	Scruggs
Cowart	Goodwin	Lusk	Warren
Craft	Hall	McDowell	Wikle

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REPORT OF COMMITTEE ON REVISION OF THE JOURNAL**Mr. President:**

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-seventh Legislative Day

and finds same correct and containing all original entries and references thereto required by the Constitution.

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-seventh Legislative Day, approved.

ADJOURNMENT

At 5: p. m., on motion of Mr. Mullins and in accordance with joint resolution heretofore adopted, the Senate adjourned until Friday, April 7th, 1933 at 9:30 A. M.

TWENTY-EIGHTH DAY

Friday, April 7th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The Session was opened with prayer by Mr. H. G. Ernest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bartlett	Deloney	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	Lusk	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Warren
Craft	Hall	Millsap	Wikle
Darden	Hildreth	Mullins	

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JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILL

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mullins:

S. 219. To make it unlawful for courts of county commissioners, boards of revenue, county purchasing agents, or other county governmental agencies to purchase any road machinery and/or parts for road machinery, where the purchase price, in whole or in part, exceeds the sum of two hundred and fifty dollars, without advertising for and receiving bids from not less than three reasonable bidders; to provide for the making and keeping of a permanent public record of such advertisements and bids; to prohibit specifying by name or brand any particular machine or machinery; and to render void all contracts made in contravention of the provisions of this act.

Committee on Aviation and Traffic Regulations.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

H. 456. To officially designate October 12th as a holiday to be known as Columbus Day and Fraternal Day.

By Mr. Fite:

H. 247. To amend Section 5 of An Act entitled: "An Act To establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

By Mr. Green:

H. 466. To aid relief of unemployment or destitution through relocation on farm or truck lands or other lands, by authorizing the respective Judges of Probate to accept title to lands within their respective counties, subject to a plan or program approved as provided by the Act; to make provision as to exemption from taxation, licenses and fees, in furtherance of such plan or program; and for the release of lands therefrom.

By Mr. Snodgrass:

H. 446. To amend Section 6742 of the Code of Alabama.

By Mr. Bains (with substitute):

H. 344. To further regulate, provide for and require bonds of

County officials and employees and clerks, deputies and employees in County offices; to provide for the fixing and approving of such bonds; and to provide upon what conditions and the manner in which sureties on official bonds may be relieved therefrom.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Culver (with substitute):

H. 239. To make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a preferred claim against the State of Alabama; and to provide that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid.

By Mr. Goodwyn:

H. 389. To authorize and empower Boards of Revenue, Courts of County Commissioners, and governing bodies of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, to expend annually out of the general funds of the respective counties a sum of not exceeding six thousand Dollars per annum towards the establishment, equipment, operation and maintenance of a radio broadcasting station now or hereafter established, where such radio broadcasting station is to be used to aid in the suppression of crime, the detection of criminals and the enforcement of the criminal laws of the State.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

H. 169. To limit, fix and reduce the salary, compensation and/or fees of all officers, employees or agents of the State or any department thereof including all persons engaged in teaching school or supervising or directing the teaching or in any way employed or engaged in performing any service for the State or any department thereof, whenever any part thereof is payable out of State funds or funds or monies collected for any department or agency of the State under any law to not exceeding seventy-five per cent. of the amount

paid or contracted to be paid or received for the same or similar service on October 1st, 1930.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Green:

H. 441. To provide for the appointment or election of a bailiff to attend the sessions and serve the Grand Jury of the Circuit Court in all counties of the State having a population of more than 200,000, according to the last or any subsequent Federal census, and to fix the compensation for such bailiff and to provide the manner of payment thereof.

By Mr. West:

H. 457. To further provide for and regulate and control the nomination by political parties of candidates for the office of Circuit Judge in all Judicial Circuits in Alabama which now have or may hereafter have a population of three hundred thousand or more, according to the last or any subsequent Federal census; and to provide that when more than one candidate is to be nominated for the office of Circuit Judge in such circuits, the positions to be filled shall not be numbered on the official ballot in any Primary Election held for such nominations and the persons who seek said nominations shall not be required to designate or specify any particular judgeship or division of said court to which such persons seek nominations.

RESOLUTION

Mr. Craft offered the following joint resolution:

S. R. 59. BE IT RESOLVED BY THE SENATE OF ALABAMA, That acting under and in pursuance of the power, authority and duty conferred upon the Senate of Alabama by the provisions of Senate Bill No. 197, of the Special Session of the Legislature of Alabama of 1933, that the following persons be and are hereby appointed members of the Board of School Commissioners of Mobile County, for the respective terms and classes hereinafter stated:

Class 1, who shall hold office until the General Election in 1938, and until their successors have been elected and qualified: J. Lloyd Abbott, Henry R. Luscher, Clarence V. Evans;

Class 2, who shall hold office until the General Election in 1934 and until their successors are elected and qualified: Dr. J. U. Reeves, John F. Glennon:

Class 3, who shall hold office until the General Election in 1936, and until their successors are elected and qualified: Leo F. Eld-

ridge, Albert Freeland.

BE IT FURTHER RESOLVED, That the Secretary of the Senate of Alabama be and is hereby directed to give notice in writing to each of the above named gentlemen by Registered Mail, marked "To be delivered to person addressed only," and return receipt demanded, and addressed to them at Mobile, Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate of Alabama shall forward the following proclamation to the Board of School Commissioners of Mobile County by Registered Mail, to be delivered to Honorable J. Lloyd Abbott, as President of the Board of School Commissioners of Mobile County, which proclamation shall be as follows:

"Proclamation of the Senate of Alabama:

Be it known that the Senate of Alabama, acting under the power, duty and authority conferred upon it by the provisions of Senate Bill No. 197, of the Special Session of the Legislature of 1933, does hereby constitute and appoint the following persons members of the Board of School Commissioners of Mobile County, in the Classes and for the terms indicated herein, viz:

Class 1, who shall hold office until the General Election in 1938, and until their successors have been elected and qualified: J. Lloyd Abbott, Henry R. Luscher, Clarence V. Evans;

Class 2, who shall hold office until the General Election in 1934, and until their successors are elected and qualified: Dr. J. U. Reeves, John F. Glennon;

Class 3, who shall hold office until the General Election in 1936, and until their successors are elected and qualified: Leo F. Eldridge, Albert Freeland.

And on motion of Mr. Craft, the rules were suspended, the Resolution put upon its immediate passage and adopted and the following persons appointed members of the Board of School Commissioners of Mobile County, for the respective terms and classes, to-wit:

Class 1, J. Lloyd Abbott, Henry R. Luscher, and Clarence V. Evans, who shall hold office until the general Election in 1938 and until their successors are elected and qualified.

Class 2, Dr. J. U. Reeves and John F. Glennon, who shall hold office until the general Election in 1934 and until their successors are elected and qualified.

Class 3, Leo F. Eldridge and Albert Freeland, who shall hold office until the general Election in 1936 and until their successors are elected and qualified.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Beasley

Caffey

Cooper

Craft

Darden
Delony
Duncan
Edmundson
Faulk
Fletcher

Garrett
Hall
Hildreth
Hubbard
Kelley
Lapsley

Lusk
McDaniel
McDowell
Millsap
Mullins
Powell

Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 58. Be it resolved by the Senate of the State of Alabama, the House of Representatives concurring, two-thirds of the members of each House voting for the adoption hereof, that:

Whereas, with reference to that certain Act passed by the Legislature on March 28th, 1933, notwithstanding its return without approval by the Governor, relating to the holding of a convention for the ratification or rejection of what was referred to therein as the proposed 21st Amendment to the Constitution of the United States, certain confusion has arisen as to the interpretation of said Act as reflected in the endorsement thereon of non-approval by the Governor, and

Whereas, it is deemed by the Legislature that such confusion as to the legislative intent should be affirmatively removed by joint resolution of the Senate and House adopted with the concurrence of more than two-thirds of each House,

Therefore, be it resolved, That it was and is the intention of the Legislature in and by said Act to call a convention within the State of Alabama to act upon the amendment proposed to the Constitution of the United States by joint resolution of the Senate and House of Representatives of the United States adopted on, to-wit, February 20, 1933, proposing the Amendment to the Constitution by the repeal of the 18th Article of Amendment thereof and otherwise as in said proposed amendment more fully set out.

Resolved, further, that all and singular the provisions in said Act referring to the proposed 21st Amendment to the Constitution of the United States were and are intended to refer to the Amendment to the Constitution of the United States proposed by the joint resolution above mentioned.

Resolved, further, that each and all of the provisions of said Act relating to the indication by the voters of their choice as to repeal or no repeal of the 18th Amendment to the Constitution of the United States by the ratification or rejection of the proposed amendment, and as to the effect of the failure of the voter to indicate such choice, and as to the pledge of the candidates and the oath to be subscribed by them, and as to the requirement that the

elected delegates will be required to support and vote for the ratification of the proposed 21st Amendment if a majority of the ballots be cast for ratification, and for the rejection of the proposed 21st Amendment if a majority be in favor of rejection, be and the same are hereby declared to be severable and secondary, and not sufficient to have resulted in the failure of the Legislature to adopt said Act, notwithstanding its failure to receive Executive approval, had all or any of said severable provisions not been included therein, or, in the event that any or all of said provisions should be held or deemed to be void, invalid or unenforceable; the purpose and intent of the Legislature of Alabama being that a convention should be assembled to act upon said proposed Amendment in all respects as proposed by the Congress of the United States and as provided in the Constitution thereof, and all such details as to expression by the electorate and the effect thereof being collateral, severable, secondary, and not indispensable provisions of the Act or necessary to its adoption.

And on motion of Mr. Powell, said report was concurred in and the resolution adopted.

CALENDAR BILL RE-COMMITTED

On motion of Mr. McDowell, the bill:

H. 214. To amend Section 6665, as amended by the Acts of 1927, approved August 5, 1927, and as amended by the Acts of 1931, approved May 27, 1931.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

S. 96. For the Relief of the Court of County Commissioners of Randolph County.

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act and for other purposes. And to provide that seed oysters may be taken for planting purposes at any time and planted in any suitable waters within

the State of Alabama and further to provide oysters in shells may be shipped out of the State of Alabama, except for canning purposes.

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

T. A. Godwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Bradford of Cherokee:

H. 407. A bill to be entitled an Act to propose an amendment to Section 284, of Article XVIII, of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the day of the general election to be held in the State next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed.

The proposed amendment is as follows:

Article XVIII. Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days,

and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments, if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election, there shall be printed the following, viz: "Shall the following be adopted as Section 284 of Article XVIII of the Constitution of Alabama?"

Article XVIII. Section 284. Amendments may be proposed to this constitution by legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-

fifths of all the members elected to that house shall vote in favor thereof, "the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments. "Yes.....; "No.....". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the state for the appointment of officers to hold elections in the state and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and

counted in the same manner, as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once at length and referred to appropriate standing committee as follows:

H. 407, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Barber:

H. 242. To amend Section 51 of an Act entitled an Act in reference to and to further provide for the General Revenue of the State of Alabama, approved July 22nd, 1927.

Also:

By Mr. Green:

H. 399. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

Also:

By Mr. Beebe:

H. 459. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court:

Also:

By Mr. Posey (with notice and proof):

H. 470. To fix the salary of the Deputy Solicitor for Winston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a local bill for Winston County, Alabama, will be introduced in the present extraordinary session of the Legislature of Alabama which act is in substance as follows:

A BILL
To Be Entitled An Act

To fix the salary of the Deputy Solicitor of Winston County, Alabama.

Be it enacted by the Legislature of Alabama,

Section 1. That the salary of the Deputy Solicitor for Winston County, Alabama, be, and the same hereby is, fixed at the sum of Nine Hundred Dollars (\$900.00) per year, payable in monthly installments of Seventy-five Dollars (\$75.00) per month and payable out of the general funds of said county.

Sec. 2. That all laws and parts of laws, both general or special, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this act shall go into effect immediately upon its passage and approval by the Governor.

B. J. COWART,
J. A. POSEY.

PUBLISHER'S AFFIDAVIT

The State of Alabama, }
Winston County, }

I, Geo. W. Adkins, publisher of The Winston Herald, a weekly newspaper of general circulation published at Double Springs, in Winston County, Alabama, do hereby certify that the notice of intention to introduce Local Bill to fix salary of Deputy Solicitor of Winston County, Alabama, has been published in the above named newspaper for four regular successive weekly issues prior to date, viz: in the issues bearing the following dates: March 3, 10, 17 and 24, 1933.

This March 27, 1933.

GEO. W. ADKINS,
Publisher Herald.

Sworn to and subscribed before me, this March 27, 1933.

LEE F. DODD,
Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 242 and H. 399, to the Committee on Finance and Taxation.

H. 459, to the Committee on Banking and Insurance.

H. 470, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 99. To amend Section 136 of the Alabama School Code as amended by an Act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education,' approved August 27, 1927."

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate:

By Mr. Goodwyn:

H. 54. In reference to and to further provide for the general revenue of the State of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 54, to the Committee on Finance and Taxation.

COMMUNICATION

The following communication was read and ordered spread upon the Journal:

"Union Springs, Ala.
April 4, 1933.

To the Senate of Alabama and its Employees:

John Allen and I wish to thank you for the beautiful silver basket you sent us. It is a present that we will always prize most highly.

We also want to thank you for honoring us with your presence at our wedding. We indeed consider this a high honor.

Sincerely yours,

Joy McDowell Crook"

BILLS INDEFINITELY POSTPONED

On motion of Mr. McDowell, the Senate indefinitely postponed further consideration of the bills:

S. 170. To amend Section 7418 of the Code of Alabama, 1923.

Also:

S. 171. To amend Section 7419 of the Code of Alabama, 1923.

Also:

S. 172. To amend Section 7420 of the Code of Alabama, 1923.

On motion of Mr. Edmundson, the Senate indefinitely postponed further consideration of the bill:

H. 31. To amend Section 2, of an Act entitled an Act "To provide that all Counties in this State having a Population of three-hundred-thousand or more according to the last or any subsequent Federal Census that the work of the Probation of Convicts shall be declared a County purpose, that the Board of Revenue, County Commission or other governing or like governing bodies of such Counties shall be authorized to expend county funds for such purpose and to further provide that such governing bodies in all such Counties shall have the power to appoint Probation officers and to fix their compensation and to pay the same out of County funds." Approved November 2, 1932.

BILLS ON THIRD READING

The bill:

H. 402. To amend Section 7419 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 21; nays, 3.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Garrett	Kelley	Teasley
Caffey	Goodwin	Lapsley	Walker
Cowart	Hall	McDaniel	Warren
Craft	Hildreth	McDowell	Wikle
Darden			

—21

Nays—Messrs. Lusk, Scruggs and Shepherd.

The bill:

H. 403. To amend Section 7420 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 21; nays, 2.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	McDowell
Beasley	Duncan	Hooton	Mullins
Caffey	Garrett	Kelley	Teasley
Cooper	Goodwin	Lapsley	Walker
Craft	Hall	McDaniel	Warren
Darden			

—21

Nays—Messrs. Lusk and Scruggs.

The bill:

H. 404. To amend Section 7418 of the Code of Alabama, 1923.

Was read a third time at length and passed.
Yeas, 19; nays, 1.

Yeas:**Messrs.:**

Beasley	Delony	Hildreth	McDowell
Caffey	Duncan	Hooton	Teasley
Cowart	Fletcher	Hubbard	Walker
Craft	Garrett	Lapsley	Wikle
Darden	Goodwin	McDaniel	

—19

Nays—Mr. Lusk.

The bill:

S. 8. "A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known as 'Article XXIV', exempting from State ad valorem taxation and from levy and sale for State ad valorem taxes, the homestead of every resident of this State, the same to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00) and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, and to provide the time and manner such amendment shall go into effect.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the 8th day of November, 1934 this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed, the proposed amendment being as follows:

ARTICLE XXIV. There shall be exempt from State ad valorem taxation and from levy and sale for State ad valorem taxes, from and after the tax year ending September 30, 1935, the following property:

The homestead of every resident of this State, to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00), and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any lien or encumbrance on said homestead, the exemption in the property shall nevertheless not exceed Two Thousand Dollars (\$2,000.00).

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by proclama-

tion of the Governor which shall be published in one newspaper in every county of the State, once a week for at least Eight (8) successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama:

ARTICLE XXIV. Subject to the provisions hereinafter named, there shall be exempt from State ad valorem taxation and from levy and sale for State ad valorem taxes, from and after the tax year ending September 30, 1935 the following property:

The homestead of every resident of this State, to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars (\$2,000.00), and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should be any lien or encumbrance on said homestead, the exemption in the property shall nevertheless not exceed Two Thousand Dollars, (\$2000.00). (Yes____) (No____).

Section 4. The officers of the said General Election shall open a poll for the vote of the qualified electors of this State upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed tabulated and returns thereof be made to the Sec. of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Riddle moved that said bill be indefinitely postponed, which motion was lost.

Yeas, 11; nays 15.

Yeas:

Messrs.:
Beasley
Bonner
Caffey

Cooper
Craft
Edmundson

Hubbard
Fletcher
Lapsley

Lusk
Powell

*Nays:**Messrs.:*

Bartlett	Garrett	Hooton	Millsap
Delony	Goodwin	Kelley	Riddle
Duncan	Hall	McDaniel	Scruggs
Faulk	Hildreth	McDowell	—15

And on motion of Mr. Riddle, said bill was read a **third time** at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays 7.

*Yeas:**Messrs.:*

Bartlett	Delony	Hildreth	Mullins
Beasley	Duncan	Hooton	Powell
Caffey	Faulk	Hubbard	Riddle
Cooper	Garrett	Kelley	Scruggs
Cowart	Goodwin	McDaniel	Shepherd
Craft	Hall	McDowell	Warren
Darden			—25

*Nays:**Messrs.:*

Bonner	Fletcher	Millsap	Wikle
Edmundson	Lusk	Tasley	— 7

The bill:

S. 180. To repeal an Act approved July 23rd, 1931, and entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal Census; to establish a Board of Cosmetological Examiners in each of such Counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such Counties; to set up qualifications for apprentices or students in such Counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such Counties; to provide requirements of shops and schools teaching Cosmetology in such Counties, provide for the refusal or revocation of certificates of registration in such Counties, the requirement of renewal of registration and licenses in such Counties and penalties for the violation of this Act."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Caffey	Cowart	Darden
Beasley	Cooper	Craft	Delony

Duncan	Hildreth	McDaniel	Riddle
Edmundson	Hooton	McDowell	Scruggs
Faulk	Hubbard	Millsap	Shepherd
Garrett	Kelley	Mullins	Walker
Goodwin	Lapsley	Powell	Warren
Hall	Lusk		

—30

The bill:

H. 421. To repeal an Act of the Legislature entitled, "An Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the first Monday of November, 1934, which is more than three months after the final adjournment of the present session of the Legislature at which the amendment is proposed, an amendment to the Constitution of Alabama declaring that from and after its adoption the Legislature may by general or local law without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed, and that upon the adoption of said amendment the salary of each Commissioner of the City of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers," No. 250 (H. 572—Sossaman), passed by the House of Representatives October 7, 1932, and passed by the Senate November 1, 1932.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Millsap
Beasley	Edmundson	Hubbard	Powell
Caffey	Faulk	Kelley	Scruggs
Cooper	Fletcher	Lapsley	Shepherd
Cowart	Garrett	Lusk	Teasley
Craft	Goodwin	McDaniel	Walker
Darden	Hall	McDowell	Warren
Delony	Hildreth		

—30

The bill:

H. 424. To amend Sections 3, 6, 7, and 10 of an Act entitled, "An Act to provide in all Counties in this State having a population of three hundred thousand, (300,000) inhabitants or more according to the last or any subsequent Federal Census for an action of ejectment to recover possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser," approved June 29, 1931.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill, to-wit:

Amend H. 424 by adding in the third line of Section 6, immediately after the words: "To file" the following: "An appeal, he must file."

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lusk	Scruggs
Cooper	Garrett	McDaniel	Shepherd
Cowart	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Scruggs
Cooper	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDaniel	Teasley
Craft	Hall	McDowell	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton		

—30

The bill:

H. 437. To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office.

Was taken up.

Mr. Shepherd offered the following amendment to said bill, to-wit:

Amend No. 437 so as to make Section 1 thereof read as follows:

SECTION 1. There is hereby created the offices of day jail guard and night jail guard for Walker County, Alabama, who shall be appointed by the Sheriff of said County, and hold office at his will. The term of office of such guards shall be during the term of the Sheriff appointing them, unless sooner terminated by the Sheriff making the appointment, who is hereby vested with the power to terminate such service or office at his will. Said day guard shall be in lieu of and shall perform all such duties, work and services now performed by the jail janitor furnished by Walker County, and said night guard shall be in lieu of and shall perform all such duties, work and services now performed by the night jail watchman furnished by Walker County. Said guards shall guard

the Walker County jail and prisoners therein, look after the comfort of such prisoners, and perform all other duties as are now required by law of the night jail watchman and day jail janitor, and may perform such other work and duties as is required by law of deputy sheriffs of Walker County, having been appointed and duly qualified for such office, or as may be required by the Sheriff of Walker County as such guards or deputies.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Scruggs
Cooper	Fletcher	Lusk	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Hall	McDowell	Warren
Darden	Hildreth	Millsap	Wikle
Delony	Hooton		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Scruggs
Cooper	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDaniel	Teasley
Craft	Hall	Millsap	Walker
Darden	Hildreth	Mullins	Warren
Delony	Hooton		

—30

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

Also:

H. 326. To extend to lands within the watershed of the Tennessee River in Alabama the provisions of the Act entitled "An Act to give consent of the State of Alabama to and for the acquisition by the United States of such lands within the State as may be needed for the consolidation and administration of National Forests," approved March 4, 1931.

Also:

H. 390. To fix and limit the amount which may be expended and allowed by Assistant Examiners of public accounts for traveling and other expenses, and to provide that they shall not draw any expenses or allowance for expenses or transportation except when they are away from their homes on official business.

Also:

H. 401. To further regulate, fix and prescribe the duties, powers and authority of the Court of County Commissioners of Henry County, Alabama, for the purpose of securing, establishing and maintaining a more economical administration of the financial affairs of said county; to fix the date for said law to take effect and to repeal all laws in conflict.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION AND SPECIAL ORDER SET

The Rules Committee reported the following Senate resolution:

S. R. 60. Resolved by the Senate that H. B. No. 53 (Income Tax Amendment) be made a special, paramount and continuing order for 10:30 A. M. and that the Senate remain in Session until said bill is disposed of and voted on.

And on motion of Mr. Powell, said report was concurred in, the resolution adopted and said bill, H. 53, made a special, paramount and continuing order for 10:30 A. M.

SPECIAL ORDER

The bill:

H. 53. To propose an amendment to the Constitution of Alabama to be known as "ARTICLE XXII", authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby

ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

ARTICLE XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed five percent nor three percent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1,500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932, are paid and thereafter used exclusively for the reduction of State ad valorem taxes.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

ARTICLE XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten percent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From the net income an exemption of not less than Fifteen Hundred Dollars (\$1,500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes____) (No____)

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by proclamation of the Governor.

Was taken up.

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend House bill 53 by striking therefrom Section Three and inserting in lieu thereof the following:

"Section Three. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election **there** shall be printed the following viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 percent nor 3 percent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 16 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932 are paid and thereafter used exclusively for the reduction of State ad valorem taxes."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 22; nays, 13.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Riddle
Beasley	Darden	Lapsley	Scruggs
Brown	Delony	McDaniel	Teasley
Caffey	Duncan	Millsap	Walker
Cooper	Garrett	Powell	Warren
Cowart	Goodwin		

—22

Nays:

Messrs.:

Bonner	Hall	Kelley	Mullins
Edmundson	Hildreth	Lusk	Shepherd
Fletcher	Hooton	McDowell	Wikle
Faulk			

—13

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend House bill No. 53 as follows:

1. By adding at the end of the said Article XXII, wherever the same appears the following:

"Provided that industrial corporations in Alabama shall be exempt from the payment of said income tax."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 23; nays, 11.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Scruggs
Beasley	Darden	Lapsley	Shepherd
Brown	Delony	McDaniel	Teasley
Caffey	Duncan	Millsap	Walker
Cooper	Garrett	Powell	Warren
Cowart	Goodwin	Riddle	

—23

Nays:

Messrs.:

Bonner	Fletcher	Hooton	Mullins
Edmundson	Hall	Lusk	Wikle
Faulk	Hildreth	McDowell	

—11

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend H. 53 as follows:

1. By adding at the end of said proposed Article XXII the following: "Provided that the amount of any ad valorem taxes paid to the State, County and Municipality may be deducted from any income tax found to be due, and there shall be paid as income tax only the balance after the deduction of said ad valorem taxes."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 21; nays, 14.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Riddle
Beasley	Darden	Hubbard	Scruggs
Brown	Delony	McDaniel	Teasley
Caffey	Duncan	Millsap	Walker
Cooper	Garrett	Powell	Warren
Cowart			

—21

Nays:

Messrs.:

Bonner	Hall	Lapsley	Mullins
Edmundson	Hildreth	Lusk	Shepherd
Faulk	Hooton	McDowell	Wikle
Fletcher	Kelley		

—14

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend House bill No. 53 as follows:

1. By adding at the end of the said Article XXII, wherever the same appears the following:

"Provided that all persons and individuals in Alabama shall be exempt from the payment of said income tax."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 22; nays, 11.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Scruggs
Beasley	Darden	McDaniel	Shepherd
Brown	Delony	Millsap	Teasley
Caffey	Duncan	Powell	Walker
Cooper	Garrett	Riddle	Warren
Cowart	Goodwin		

—22

Nays:

Messrs.:

Bonner	Hall	Lapsley	Mullins
Edmundson	Hildreth	Lusk	Wikle
Faulk	Hooton	McDowell	

—11

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend House bill 53 as follows: Strike from Section three the words: "The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify" where they occur in lines seventeen and eighteen of said Section three in the printed copy of said bill, and insert in lieu thereof the following: "All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on October 1, 1932 are paid and thereafter used exclusively for the reduction of State ad valorem taxes".

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 22; nays, 13.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Riddle
Beasley	Darden	Lapsley	Scruggs
Brown	Delony	McDaniel	Teasley
Caffey	Duncan	Millsap	Walker
Cooper	Garrett	Powell	Warren
Cowart	Goodwin		

—22

Nays:

Messrs.:

Bonner	Hall	Kelley	Mullins
Edmundson	Hildreth	Lusk	Shepherd
Faulk	Hooton	McDowell	Wikle
Fletcher			

—13

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend H. 53 as follows:

1. By adding to the proposed Article XXII the following provisions: "From the net income tax found to be due, there may be deducted all licenses, and ad valorem taxes paid during the year for which said income tax is collected, and only the balance after the deduction of said licenses and ad valorem taxes shall be paid."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 22; nays, 13.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Scruggs
Beasley	Darden	McDaniel	Shepherd
Brown	Delony	Millsap	Teasley
Caffey	Duncan	Powell	Walker
Cooper	Garrett	Riddle	Warren
Cowart	Goodwin		

—22

Nays:

Messrs.:

Bonner	Hall	Kelley	McDowell
Edmundson	Hildreth	Lapsley	Mullins
Faulk	Hooton	Lusk	Wikle
Fletcher			

—13

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend H. 53 as follows:

1. By striking out the words and figures:

"5 percent nor 3 percent" where the same appear in line 12 of Section 1 of said bill and substitute in lieu thereof, the following: "3 percent nor 1 percent."

2. By striking out the words and figures "ten percent (10%)" where the same appears in Section 2 and substitute in lieu thereof the following: "3 percent nor 1 percent on corporations."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 21; nays, 13.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Scruggs
Beasley	Delony	McDaniel	Shepherd
Brown	Duncan	Millsap	Teasley
Caffey	Garrett	Powell	Walker
Cowart	Goodwin	Riddle	Warren
Craft			

—21

*Nays:**Messrs.:*

Bonner
Edmundson
Faulk
Fletcher

Hall
Hildreth
Hooton

Kelley
Lapsley
Lusk

McDowell
Mullins
Wikle

—13

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend House bill 53, by striking the words and figures "ten percent (10%)" from line ten of Section Three where they occur in said line and section in the printed copy of said bill, and insert in lieu thereof the following: "Five percent nor three percent on Corporations".

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 22; nays, 12.

*Yeas:**Messrs.:*

Bartlett
Beasley
Brown
Caffey
Cooper
Cowart

Craft
Darden
Delony
Duncan
Garrett
Goodwin

Hubbard
McDaniel
~~Millsap~~
Powell
Riddle

Scruggs
Shepherd
Teasley
Walker
Warren

—22

*Nays:**Messrs.:*

Bonner
Faulk
Fletcher

Hall
Hildreth
Hooton

Kelley
Lapsley
Lusk

McDowell
Mullins
Wikle

—12

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend H. 53 as follows:

1. By adding the following provision at the end of said proposed Article XXII wherever the same appears in said bill: "There shall be deducted from the ad valorem tax imposed for State purposes on property actually owed by any person, firm or corporation, the amount of income tax paid during the year by the actual owner of the property so subjected to an ad valorem tax for State purposes."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 23; nays, 11.

*Yeas:**Messrs.:*

Bartlett
Beasley
Brown
Caffey

Cooper
Cowart
Craft
Darden

Delony
Duncan
Garrett
Goodwin

Hubbard
Lapsley
McDaniel
Millsap

Powell	Scruggs	Teasley	Warren	
Riddle	Shepherd	Walker		—23

Nays:

Messrs.:

Bonner	Fletcher	Kelley	Mullins	
Edmundson	Hall	Lusk	Wikle	
Faulk	Hildreth	McDowell		—11

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend H. 53 as follows:

1. By adding to the proposed Article XXII wherever the same occurs in said bill, the following provisions: "For the purpose of encouraging the location of industries in Alabama and the development of the resources of the State, the Legislature may grant exemptions from income tax to all such new industries located in the State for a period not to exceed ten years from the date of the location thereof."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 21; nays, 12.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Scruggs	
Beasley	Darden	McDaniel	Shepherd	
Brown	Duncan	Millsap	Teasley	
Caffey	Garrett	Powell	Walker	
Cooper	Goodwin	Riddle	Warren	
Cowart				—21

Nays:

Messrs.:

Bonner	Faulk	Hildreth	McDowell	
Delony	Fletcher	Kelley	Mullins	
Edmundson	Hall	Lusk	Wikle	—12

Said bill was then read a third time at length and passed.

Yeas, 22; nays, 13.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Riddle	
Beasley	Darden	Hubbard	Scruggs	
Brown	Delony	McDaniel	Teasley	
Caffey	Duncan	Millsap	Walker	
Cooper	Garrett	Powell	Warren	
Cowart	Goodwin			—22

Nays:

Messrs.:

Bonner	Hall	Lapsley	Mullins	
Edmundson	Hildreth	Lusk	Shepherd	
Faulk	Kelley	McDowell	Wikle	
Fletcher				—13

The bill:

H. 460. To alter the corporate limits of the City of Wetumpka, Alabama, and to define the boundaries thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Faulk	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	Lusk	Shepherd
Cooper	Goodwin	McDaniel	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—30

RESOLUTIONS

Mr. Craft offered the following joint resolution:

S. J. R. 61. WHEREAS, at a meeting of the Alabama Section of the American Road Builders' Association of North America held at the Jefferson Davis Hotel last night, it was brought to the attention of Representatives and Senators now in session whereby Federal Aid of \$3,300,000.00 now available to Alabama will be lost after June 30th of this year, and

WHEREAS, if this money, or any Emergency money applying to roads cannot be obtained that the acute unemployment will be enhanced, and,

WHEREAS, there are now directly and indirectly 25,000 men working upon the highways of Alabama, and if the Federal Government fails to appropriate funds for highway building these men will be thrown out of employment and be objects of charity.

NOW THEREFORE BE IT RESOLVED by this Senate and House of Representatives that it pledges its full support in behalf of all funds appropriated by the Government for highways.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded immediately to all Representatives in the House of Congress and all Senators from Alabama, and solicit their aid for the continuation of Federal Aid Appropriations.

On motion of Mr. Craft, the rules were suspended and the resolution put upon its immediate passage and adopted.

Mr. Scruggs offered the following joint resolution:

S. J. R. 62. Be it resolved by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again on Tuesday, April 11th, 1933 at 12: o'clock Noon.

On motion of Mr. Scruggs, the rules were suspended and the resolution put upon its immediate passage and adopted.

REPORT OF SCHOOL TEXTBOOK COMMITTEE

To the House of Representatives and the Senate of Alabama:

Gentlemen:

Your Joint Committee appointed under Senate Joint Resolution No. 21 and known as the School Textbook Committee begs leave to report as follows, viz:

1st. We find that the present contracts for textbooks and a State Depository in Alabama became effective July 1, 1929, and were for a six year period and that the same will remain in effect until July 1, 1935 unless cancelled prior thereto by the State Board of Education which is given power to cancel under the provisions of the contracts.

2nd. That these contracts were legally and properly let and that the prices stipulated therein were the best obtainable at that time and that the contracts contained such provisions as were considered reasonably necessary to protect the best interests of the people of Alabama.

3rd. That Hon. William F. Feagin who is now Chairman of the State Board of Administration and who is a member of the Textbook Purchasing Committee, was at the time of the present adoption of school textbooks, and the making of the contracts, in the employment of Loveman, Joseph & Loeb, and was their agent in the negotiations whereby they obtained the appointment as State Book Depository in 1929, and at that time Mr. Feagin had no connection directly or indirectly, with the State of Alabama, or with any of its Departments; that in January, 1931, when the present administration took office, Mr. Feagin was granted leave of absence by Loveman, Joseph & Loeb, and took his present position as Chairman of the State Board of Administration; that subsequent to taking his office as Chairman of the State Board of Administration, Mr. Feagin received a salary or compensation of \$10,000.00 per annum from Loveman, Joseph & Loeb until towards the end of 1932 when his salary or compensation from Loveman, Joseph & Loeb was reduced to \$5,000.00 per annum which salary or compensation he is still receiving, and is in addition to the salary paid to him by the State of Alabama; that since entering upon his present duties with the State of Alabama, we find that the purchases made by the State from Loveman, Joseph & Loeb amount to \$854.55, of which \$554.85 was for school books and supplies for correctional institutions of the State of Alabama.

4th. That such combinations and intricate systems have been devised by the publishers of school textbooks for the sale thereof as to make it practically impossible for the State to obtain relief, and against which the purchasing authorities of the State are helpless.

5th. We find that in certain instances some textbooks are sold cheaper in other States than in the State of Alabama, and in other instances certain books are sold cheaper in Alabama than in other States. The methods of distribution, and the quality and contents of the books are so varied that it is impossible to determine whether or not there exists discriminations against the people of Alabama in the prices exacted for school textbooks.

We beg leave to make the following recommendations:

A. That there be no new adoption of school textbooks until after the convening of the 1935 Legislature.

B. That wherever possible textbooks in the current adoption be continued in any subsequent adoption so as to eliminate as far as possible the necessity for the purchase of new textbooks.

C. That all unnecessary supplementary books be eliminated; and that the course of instruction in this period of financial stress be held to fundamentally basic subjects; and we ask that the State Board of Education take immediate action to put in force this recommendation.

D. That those city schools empowered under the law to make independent selections, adhere in all cases where possible to the State adopted books.

E. That in the letting of new contracts serious consideration be given to the methods authorized for State purchase of school books as provided under Section 447, et seq. of the School Code of Alabama, of 1927, with a view to determining whether it is not possible to devise a more advantageous and more economical system for the distribution of school textbooks in Alabama.

F. We have had no evidence submitted to us to indicate that there is anything legally or morally wrong in the connection of the head of the State Board of Administration with the State Book Depository, but it is our opinion that no full time executive officer of the State or head of any State Department should receive any salary or compensation, directly or indirectly, for services from any outside source.

Respectfully submitted,

E. F. HILDRETH,
G. J. HUBBARD,
W. C. WARREN,
G. R. SWIFT,
LEWEY ROBINSON,
C. R. WEST,
C. D. NORMAN.

REPORT

The foregoing report of the Special School Textbook Committee created under S. J. R. 21, heretofore adopted, was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 99. To amend Section 136 of the Alabama School Code as amended by an Act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education,' approved August 27, 1927."

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment.

By Mr. Barber:

H. 377. To authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 377, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 424. To amend Sections 3, 6, 7 and 10 of an Act entitled, "An Act to provide in all Counties of this State having a population of three hundred thousand (300,000) inhabitants or more according to the last or any subsequent Federal Census for an action of ejectment to recover the possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser," approved June 29, 1931.

Also:

H. 437. To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every County of the State of Alabama whose boundary lines have been

altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

Said Governor's Message containing his objections and proposed amendment to said bill, H. 423, being in words and figures as follows, to-wit:

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to the House of Representatives, the body in which it originated, House Bill No. 423 without my approval.

I suggest the following amendment, which if made will cause the bill to meet my approval.

In Section 2 of the bill where the compensation of the Tax Assessor is fixed the amount is left blank. I suggest that after the words "the sum of \$—————" and immediately before the words "per annum" where they first occur together in said Section that the figures "\$600.00" be written so that the Act will read "\$600.00 per annum"; and that after the words "installments of \$—————" and before the word "each" in said Section, that the sum of \$50.00 be written; and that in Section 3 of the bill after the words "shall be paid the sum of \$—————" and before the words "per annum" where they first occur together in said Section that the figures "\$600.00" be inserted and that after the words "monthly installments of \$—————" and before the word "each" that the sum of "\$50.00" be written.

It is my information that the intention of the bill is to provide that both the Tax Assessor and Tax Collector are to be paid the additional amount of \$600.00 per annum in twelve equal monthly installments of \$50.00 each and that the amount was left out through error.

Respectfully,

B. M. MILLER,
Governor.

April 7, 1933.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 75; nays, 0.

And said bill, as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 75; nays, 0.

And said bill together with the Governor's Message containing his objections and proposed amendment to said bill are sent herewith to the Senate for its consideration.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Brown, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 423, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 30; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Delony	Hubbard	Mullins
Beasley	Duncan	Kelley	Powell
Brown	Faulk	Lapsley	Riddle
Caffey	Garrett	Lusk	Scruggs
Cooper	Goodwin	McDaniel	Shepherd
Cowart	Hall	McDowell	Walker
Craft	Hildreth	Millsap	Warren
Darden	Hooton		

—30

And said bill, as thus amended, by the amendment proposed by the Governor, was again read a third time at length and passed.

Yeas, 30; nays, 0.

*Yeas:**Messrs.:*

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Brown	Edmundson	Kelley	Riddle
Caffey	Faulk	Lapsley	Scruggs
Cooper	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDaniel	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

RECESS

At 12:35 P. M., on motion of Mr. Powell, the Senate took a recess until 3:00 o'clock this afternoon.

Yeas, 20; nays, 11.

*Yeas:**Messrs.:*

Bartlett	Darden	Lapsley	Scruggs
Brown	Delony	McDaniel	Shepherd
Caffey	Duncan	Millsap	Teasley
Cowart	Goodwin	Powell	Walker
Craft	Hubbard	Riddle	Warren

—20

*Nays:**Messrs.:*

Bonner	Fletcher	Hildreth	Mullins
Edmundson	Garrett	Hooton	Wikle
Faulk	Hall	Lusk	

—11

AFTERNOON SESSION—TWENTY-EIGHTH DAY

Friday, April 7th, 1933.

The Senate re-assembled at 3:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall

Hildreth
Hooton
Hubbard
Lapsley
Lusk
McDaniel
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Wikle

—31

REPORT OF COMMITTEE

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sossaman:

H. 449. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, the Tax Assessor must each year make an Assessment Book; to describe the contents of said Book; and to provide that the cost of said Book shall be paid by the governing body of such counties and shall be a preferred claim against the county; and to provide for the repeal of all laws in conflict herewith; and to provide when this Act shall go into effect.

BILLS ON THIRD READING

The bill:

S. 136. To appropriate out of the General Fund of the State of Alabama to the Department of Agriculture and Industries the sum of One Hundred Thousand Dollars per annum, payable in monthly installments; and to provide that all taxes, fees, commissions or other collection of any kind or description whatsoever collected by the Department of Agriculture and Industries be made a part of the General Fund of the State of Alabama to be paid into the State Treasury on the first and fifteenth days of each month.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 136:

A BILL

To be entitled An Act to appropriate to the department of Agriculture and Industries and to the State Board of Agriculture the sum of \$62,500.00 for the balance of the fiscal year ending September 30, 1933, and \$125,000.00 per annum thereafter, payable as herein provided; and to provide that all taxes, fees, commissions or other collections of any kind or description whatsoever heretofore collected by the department of Agriculture and Industries in excess of \$75,000.00 not heretofore expended, and all taxes, fees, commissions or other collections of any kind or description whatsoever which may hereafter be collected by the department of Agriculture and Industries, or by the State Board of Agriculture in Excess of \$62,500.00 for the balance of the fiscal year ending September 30th, 1933, and in excess of \$125,000.00 for each fiscal year thereafter shall be paid into the general fund of the State Treasury at the end of each fiscal year.

Be it enacted by the Legislature of Alabama:

SECTION 1. That there is hereby appropriated to the department of Agriculture and Industries, and to the State Board of Agriculture the sum of \$62,500.00 for the balance of the fiscal year ending September 30th, 1933, and \$125,000.00 per annum thereafter. Said appropriation to be paid out of the taxes, fees, commissions or other collections of any kind or description whatsoever collected by the department of Agriculture and Industries and/or by the State Board of Agriculture.

Section 2. That all taxes, fees, commissions or other collections of any kind or description whatsoever heretofore collected or which may hereafter be collected by the Department of Agriculture and industries and/or by the State Board of Agriculture in excess of \$75,000.00 not heretofore expended, and after deducting the appropriations made in Section 1 of this Act shall at the end of each fiscal year be paid into and become a part of the general fund of the State.

Section 3. That all laws or parts of laws in conflict with the provisions of this Act be and the same is hereby repealed.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett

Bonner

Brown

Caffey

Craft

Darden

Delony

Duncan

Edmundson

Faulk

Fletcher

Garrett

Goodwin

Hall

Hildreth

Hooton

Hubbard
Lapsley
McDaniel

Millsap
Mullins
Powell

Riddle
Scruggs

Walker
Wikle

—26

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 2.

Yeas:

Messrs.:

Bartlett
Bonner
Brown
Caffey
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Garrett
Goodwin

Hall
Hildreth
Hooton
Hubbard
McDaniel
Millsap

Powell
Riddle
Scruggs
Teasley
Walker
Wikle

—24

Nays: Messrs. Lapsley and Mullins

— 2

The bill:

H. 320. To authorize, empower and direct the Commissioners' Court of Clay County, or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Ala., to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty-five (25%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several acts of the legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, or until such time as other public funds received by Clay County, Alabama, is sufficient to run the public schools of Clay County, Alabama, including school bus transportation for a term of eight months free school; for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Was taken up.

Mr. Darden offered the following amendment to said bill, to-wit: Amend House bill No. 320 as follows:

1. By striking from said bill and the Caption thereof wherever the same occurs the following:

"Or until such time as other public funds received by Clay County, Alabama is sufficient to run the public schools of Clay

County, Alabama, including school bus transportation for a term of eight months free school."

2. By striking the words and figures:

"twenty-five (25%)" wherever the same occurs in the Caption and body of said bill and substituting in lieu thereof the following: "twenty (20%)".

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hall	Powell
Bonner	Duncan	Hildreth	Riddle
Brown	Edmundson	Hooton	Scruggs
Caffey	Faulk	Hubbard	Walker
Craft	Garrett	McDaniel	Wikle
Darden	Goodwin	Mullins	

—23

Nay: Mr. Millsap

— 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 17; nays, 3.

Yeas:

Messrs.:

Bartlett	Duncan	Hall	Mullins
Caffey	Faulk	Hubbard	Powell
Craft	Garrett	Lapsley	Riddle
Darden	Goodwin	McDaniel	Wikle
Delony			

—17

Nays: Messrs. Fletcher, Millsap and Walker

— 3

The bill:

H. 319. To amend Section 7599 of the Code of Alabama of 1923, and to repeal all laws and parts of laws in conflict with said Section as hereby amended.

Was read a third time at length and lost.

Yeas, 7; nays, 15.

Yeas:

Messrs.:

Bonner	Darden	Powell	Wikle
Craft	Duncan	Shepherd	

— 7

Nays:

Messrs.:

Bartlett	Garrett	Hubbard	Riddle
Delony	Goodwin	Lapsley	Scruggs
Faulk	Hall	Millsap	Warren
Fletcher	Hooton	McDaniel	

—15

Mr. Hubbard moved that the vote by which said bill was lost be reconsidered, which motion prevailed, and said vote was reconsidered.

Yeas, 20; nays, 2.

Yeas:

Messrs.:

Bartlett
Bonner
Caffey
Craft
Darden

Delony
Fletcher
Garrett
Goodwin
Hall

Hildreth
Hooton
Hubbard
Lapsley
McDaniel

Mullins
Powell
Scruggs
Teasley
Wikle

—20

Nays: Messrs. Faulk and Riddle

— 2

Said bill was then read a third time at length and passed.

Yeas, 17; nays, 3.

Yeas:

Messrs.:

Bartlett
Bonner
Caffey
Craft
Darden

Delony
Fletcher
Garrett
Goodwin

Hildreth
Hubbard
McDaniel
Mullins

Powell
Scruggs
Teasley
Wikle

—17

Nays: Messrs. Hooton, Lapsley and Riddle

— 3

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama:

Montgomery, Alabama.

Gentlemen:

I am herewith transmitting to you, for such action as you may see fit to take, the certificate of the Secretary of the Board of Trustees, Alabama Insane Hospitals, setting out the name of Trustees who have been elected by them subject to your confirmation, as provided in Section 843 of the Code of Alabama of 1923.

Respectfully,

B. M. MILLER,
Governor.

Governor B. M. Miller,

Montgomery, Alabama.

Dear Governor:

As secretary of the Board of Trustees, I am transmitting below the names of members of the Board of Trustees elected to fill vacancies whose names have not yet been confirmed by the Senate as provided in Section 843 of the Code of Alabama of 1923:

Geo. H. Searcy for term expiring Dec. 31 1936.

Chas. A. Mohr for term expiring Dec. 31, 1937.

S. E. Deal for term expiring Dec. 31, 1938.

Robert Jemison for term expiring Dec. 31, 1939.

Fred W. Wilkerson for term expiring Dec. 31, 1934.

Will you please submit these names to the Senate at its next meeting for confirmation as provided in the section of the code referred to?

Thanking you, I am

Yours very truly,

G. H. SEARCY, Secretary
Board of Trustees Alabama Insane Hospitals.

CONFIRMATION OF TRUSTEES

On motion of Mr. McDaniel, the Senate confirmed the appointment by His Excellency, the Governor, of the following Trustees of the Alabama Insane Hospitals, to-wit:

Geo. H. Searcy for term expiring Dec. 31, 1936.

Chas. A. Mohr for term expiring Dec. 31, 1937.

S. E. Deal for term expiring Dec. 31, 1938.

Robert Jemison for term expiring Dec. 31, 1939.

Fred W. Wilkerson for term expiring Dec. 31, 1934.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett

Bonner

Brown

Caffey

Craft

Darden

Delony

Duncan

Faulk

Garrett

Goodwin

Hall

Hildreth

Hooton

Hubbard

McDaniel

Millsap

Mullins

Powell

Riddle

Walker

Wikle

—22

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Norman:

H. 445. To amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 445, to the Committee on Finance and Taxation.

BILL INDEFINITELY POSTPONED

On motion of Mr. Riddle, the Senate indefinitely postponed further consideration of the bill:

S. 210. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

BILLS ON THIRD READING RESUMED

The bill:

H. 337. To amend Section 7409 of the Code of Alabama, 1923.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill, to-wit:

Substitute for House bill 337:

A BILL

To be entitled An Act to amend Section 7409 of the Code of Alabama, 1923.

Be it enacted by the Legislature of Alabama: That Section 7409, Code of Alabama, 1923, be amended so as to read as follows:

Section 1. 7409. (3795) (1487) (2324) (2687) (2353) (1963) To Wife In Case of Cruelty or Nonsupport of Husband.—In favor of the wife when the husband has committed actual violence on her person, attended with danger to life or health, or when from his conduct there is reasonable apprehension of such violence, or when the wife has lived, or shall have lived separate and apart from the bed and board of the husband for two years and without support from him for two years next preceding the filing of the bill; and she has bona fide resided in this State during said period.

Section 2. —This Act shall take effect upon approval by the Governor.

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett

Bonner

Caffey

Craft

Darden

Delony

Fletcher

Garrett

Goodwin

Hildreth

Hooton

Hubbard

Lapsley

McDaniel

Millsap

Mullins

Powell

Riddle

Scruggs

Shepherd

Walker

Wikle

—22

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett

Bonner

Caffey

Craft

Darden

Delony

Garrett

Goodwin

Hildreth

Hooton

Hubbard

Lapsley

McDaniel

Mullins

Powell

Riddle

Scruggs

Shepherd

Walker

Wikle

—20

The bill:

S. 214. To fix, limit and regulate the salaries and compensation of certain county officers in this State; to provide the manner of payment of such salaries and compensation; to provide rules and regulations for accounting in connection therewith; to pro-

vide for the disposition of any excess compensation and for the handling or disbursement thereof; to provide for the repeal of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective; and to provide for penalties for the violation of the provisions of this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Section 2 by inserting after the words "Clerical help" and before the words "for or in the office" and after the words "clerical help" and before the words "or any part thereof" the following words, namely:

"And the reasonable and necessary expenses."

Also amend said bill as follows:

Amend said bill by adding Section 2½ to read as follows:

"Section 2½. That Sheriffs shall not be required to pay into the County Treasury any fees or commissions collected by them in excess of \$500.00 per month, but any such excess collected by any Sheriff may be used by him for the purpose of paying his reasonable and necessary expense and for employment of associations, deputies or clerical help in the conduct of his office or in the performance of the duties of such office."

On motion of Mr. Lapsley, said amendment was laid on the table.

Mr. Lapsley offered the following amendment to said bill, to-wit:

Pending the preparation of said amendment:

The bill:

S. 215. To prohibit any full time executive officer of the State or head of any State Department from receiving any salary or other compensation from any outside source, and to require that every such officer or head of department shall devote his whole time to his official duties:

Was taken up.

Mr. Powell offered the following amendment to said bill, to-wit:

Amend S. 215, as follows: By adding Sections 3, and 4 and amending Sections 1 and 2 so that said bill shall read as follows:

Section 1. That no full time executive, judicial, or legislative officer or employee of the State of Alabama, or any department thereof, shall receive any salary or compensation for services performed or work done for any person, firm, or corporation, where such services performed or work done interfere with or take time and attention from the duties and services for which compensation or salary is paid by the State of Alabama.

Section 2. That every such officer, employee or head of de-

partment receiving compensation or salary from the State of Alabama shall devote his or her full time to his or her official duties.

Section 3. That nothing herein contained shall prevent, or make illegal or improper the receipt of money, salary or compensation due such person as herein described for services already performed or work already done, or the receipt of a gift or annuity or other donation from any source not connected with, directly or indirectly, the employment of such person with the State of Alabama.

Section 4. "Provided that nothing herein shall prevent an executive officer or head of a Department from receiving compensation from the government as a member of the Alabama National Guard; and provided further that public officers in this State in which the State and Federal Government may be jointly interested, are authorized to receive the pay provided by the Federal Government, provided the total pay from both the public offices in this State and that allowed by the United States does not exceed a total sum fixed by this State."

On motion of Mr. Hooton, said amendment was laid on the table.

Yeas, 14; nays, 3.

Yeas:

Messrs.:

Bartlett

Bonner

Darden

Delony

Duncan

Faulk

Garrett

Hall

Hildreth

Hooton

McDaniel

Mullins

Riddle

Walker

—14

Nays: Messrs. Hubbard, Powell and Scruggs

— 3

Mr. McDaniel offered the following substitute for said bill, to-wit:

A substitute for S. 215:

A BILL

To be entitled An Act to prohibit any full time executive, judicial, or Legislative Officer or employee of the State of Alabama, or any department thereof, or any Senator or member of the Legislature from receiving any salary or compensation from any outside source, and to require that every such officer or employee shall devote his whole time to his official duties.

Be it enacted by the Legislature of Alabama:

SECTION 1. That no full time executive, judicial or Legislative officer or employee of the State of Alabama, or any department thereof, or any Senator or member of the Legislature shall receive any salary or compensation for services from any outside source during the term of office of said officer or employee.

SECTION 2. That every such officer or employee shall devote his whole time to his official duties.

SECTION 3. Any person who violates any provision of this Act shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or both.

SECTION 4. This Act shall take effect upon approval of the Governor.

On motion of Mr. Hildreth, said substitute was laid on the table.

Yeas, 15; nays, 8.

Yeas:

Messrs.:

Bartlett	Duncan	Hall	Millsap	
Bonner	Faulk	Hildreth	Scruggs	
Brown	Fletcher	Hooton	Shepherd	
Delony	Garrett	Hubbard		—15

Nays:

Messrs.:

Craft	McDaniel	Powell	Walker	
Lapsley	Mullins	Teasley	Warren	— 8

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend Senate bill 215 by adding thereto Section 3 as follows: Section 3. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be fined not less than five Hundred Dollars and shall be ineligible to hold office during the time for which he was appointed or elected.

Which was adopted.

Yeas, 20; nays, 1.

Yeas:

Messrs.:

Bartlett	Faulk	Hooton	Riddle	
Bonner	Fletcher	Hubbard	Scruggs	
Darden	Garrett	Lapsley	Shepherd	
Delony	Hall	McDaniel	Teasley	
Duncan	Hildreth	Mullins	Walker	—20

Nay: Mr. Powell

— 1

Mr. Mullins offered the following amendment to said bill, to-wit:

Amend the caption of Senate bill No. 215 by adding the following words: And to provide a penalty for the violation of this Act.

Which was adopted.

Yeas, 20; nays, 1.

Yeas:

Messrs.:

Bartlett	Faulk	Hooton	Riddle
Bonner	Fletcher	Hubbard	Scruggs
Darden	Garrett	Lapsley	Shepherd
Delony	Hall	McDaniel	Teasley
Duncan	Hildreth	Mullins	Walker

—20

Nay: Mr. Craft

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 3.

Yeas:

Messrs.:

Bartlett	Faulk	Hooton	Riddle
Bonner	Fletcher	Hubbard	Scruggs
Darden	Garrett	Lapsley	Shepherd
Delony	Hall	McDaniel	Teasley
Duncan	Hildreth	Mullins	Walker

—20

Nays. Messrs. Craft, Millsap and Powell

— 3

The bill:

S. 218. To amend Section 8149 of the Code of Alabama, 1923, requiring guardians to invest surplus funds of their wards and prescribing the forms of such investments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Mullins
Bonner	Duncan	Hubbard	Riddle
Brown	Fletcher	Lapsley	Shepherd
Craft	Goodwin	McDaniel	Teasley
Darden	Hall		

—18

The bill:

S. 217. To provide the way and manner of filling a vacancy on the Executive Committee of the Trustees for the Alabama School for Deaf and Blind and to fill a vacancy for the chairmanship of such committee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Delony	Fletcher
Bonner	Darden	Duncan	Goodwin

Hildreth
Hooton
Hubbard

Lapsley
McDaniel
Mullins

Powell
Riddle

Scruggs
Teasley

—18

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Tunstall:

H. 408. To repeal an "Act entitled 'An Act to propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or other order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by such Treasurer, in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury at the end of any fiscal year, any money of the general fund in excess of the appropriation for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment," passed by the House and Senate October 27, 1932.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 408, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 61. Relative to Federal Aid of \$3,000,000.00 now available to Alabama for highways.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted S. J. R. 62 relative to adjournment of the two Houses until Tuesday, April 11th, 1933, at 12 o'clock Noon.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-eighth Legislative Day approved.

ADJOURNMENT

At 4:35 P. M., on motion of Mr. McDaniel, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, April 11th, 1933, at 12: M.

TWENTY NINTH DAY

Tuesday, April 11th, 1933.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Pierce N. McDonald, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Fletcher
Garrett
Goodwin
Hall
Hildreth

Hooton
Hubbard
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—33

JOURNAL

On motion of Mr. Mullins, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORTS OF COMMITTEES

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Green:

H. 399. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

By Mr. Norman:

H. 445. To amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

By Mr. Barber:

H. B. 377. To authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of advalorem taxes at any-time before the sale of the properties liable therefor.

By Mr. Barber:

H. 242. To amend Section 51 of an Act entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved July 22nd, 1927.

By Mr. Goodwyn:

H. 54. In reference to and to further provide for the general revenue of the State of Alabama.

Mr. Teasley, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edgar:

H. 338. To amend Section 1 and to repeal Sections 2, 3, and 3½ of an Act entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932.

By Mr. Edgar:

H. 277. To amend Section 2 of an Act entitled: "An Act to regulate the manufacture for sale, the transportation, sale and possession of cercal beverages in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed over the Governor's veto, October 6, 1932.

Mr. McDowell, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

H. 408. To repeal an Act entitled "An Act to propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by such Treasurer, in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury at the end of any fiscal

year, any money of the general fund in excess of the appropriation for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment," passed by the House and Senate October 27, 1932.

RESOLUTION

The Rules Committee reported the following joint resolution:
S. J. R. 63. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to reconvene on Friday, April 14th, 1933 at 9:30 A. M.

And on motion of Mr. Powell, the resolution was put upon its immediate passage and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled Senate joint resolution with the original Senate joint resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 61. Relative to Federal Aid of \$3,000,000.00 now available to Alabama for highways.

T. A. Goodwin,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution, the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 402. To amend Section 7419 of the Code of Alabama, 1923.

Also:

H. 403. To amend Section 7420 of the Code of Alabama, 1923.

Also:

H. 404. To amend Section 7418 of the Code of Alabama, 1923.

Also:

H. 421. To repeal an Act of the Legislature entitled, "An Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the first Monday of November, 1934, which is more than three months

after the final adjournment of the present session of the Legislature at which the amendment is proposed, an Amendment to the Constitution of Alabama declaring that from and after its adoption the legislature may by general or local law without prior publication of notice or advertisement fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed, and that upon the adoption of said amendment the salary of each commissioner of the city of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers", No. 250 (H. 572—Sossaman), Passed by the House of Representatives October 7, 1932 and passed by the Senate November 1, 1932.

Also:

H. 423. To provide for the more efficient and convenient assessment and collection of State and County taxes in every County of the State of Alabama whose boundary lines have been altered or rearranged by the addition of new territory thereto, or by the transfer of territory therefrom, or both, and to provide compensation therefor.

Also:

H. 424. To amend Sections 3, 6, 7, and 10 of an Act entitled, "An Act to provide in all Counties in this State having a population of three hundred thousand, (300,000) inhabitants or more according to the last or any subsequent Federal Census for an action of ejectment to recover possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser," approved June 29, 1931.

Also:

H. 437. To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office.

Also:

H. 460. To alter the corporate limits of the City of Wetumpka, Alabama, and to define the boundaries thereof.

Also:

H. 319. To amend Section 7599 of the Code of Alabama of 1923, and to repeal all laws and parts of laws in conflict with said Section as hereby amended.

Also:

H. 53. To propose an amendment to the Constitution of Alabama to be known as "Article XXII," authorizing the Legislature to levy an income tax for the calendar year, 1933, and for each year thereafter; to prescribe maximum rate of said income tax; to

provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify. Be It Enacted by the Legislature of Alabama: Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the income derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 per cent nor 3 per cent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932 are paid and thereafter used exclusively for the reduction of State ad valorem taxes. Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election. Section 3. At the election hereby ordered to

be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz. Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten per cent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons, (Yes.....) (No.....). Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama. Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I have appointed the following as members of the Board of Trustees of the State Training School for Girls, the term of office to begin April 29, 1933, and to continue for a term of six years from said date and until their successors are appointed and qualified:

First District—Mrs. Henry McDaniel, Demopolis, Ala.

Second District—Mrs. Elizabeth Thigpen Hill, Montgomery, Alabama.

Third District—Mrs. Scottie McKenzie Frazier, Dothan, Alabama.

Fourth District—Mrs. Thomas E. Kilby, Anniston, Ala.

These appointments are submitted to you for your confirmation or for such action as you may see fit to take.

Respectfully,

B. M. Miller,
Governor.

April 11, 1933.

GOVERNOR'S MESSAGE

On motion of Mr. Powell, the Senate confirmed the appointment of His Excellency, the Governor, of the foregoing Trustees of the State Training School for Girls, for the term of office to begin April 29, 1933, and to continue for a term of six years from said date and until their successors are appointed and qualified.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Millsap
Beasley	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Powell
Brown	Faulk	Kelley	Riddle
Caffey	Fletcher	Lapsley	Scruggs
Cooper	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Wikle
Darden	Hall		

—30

BILLS INDEFINITELY POSTPONED

On motion of Mr. Craft, the Senate indefinitely postponed further consideration of the bill:

H. 104. To permit but not require the County of Mobile to participate in the operation and maintenance of the City Hospital of the City of Mobile, and to permit the County of Mobile and the City of Mobile to make whatever contracts each of said bodies shall deem expedient for the maintenance of said institution; and to repeal all laws or parts of laws in conflict herewith.

On motion of Mr. Craft, the Senate indefinitely postponed further consideration of the bills:

H. 93. To fix the compensation of the Judges of the Circuit Court of Mobile County; and to provide that a portion of said compensation be paid out of the County Treasury of Mobile County; and to repeal all laws or parts of laws in conflict herewith; and to provide when this Act shall go into effect.

Also:

H. 108. To fix the compensation of the circuit judges of the State of Alabama in all circuits which are composed of one county having more than two judges and less than nine judges, or in circuits which may hereafter be composed of one county having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the County Treasury of the counties constituting the respective circuits, and to repeal all laws or parts of laws in conflict herewith, and to provide when this Act shall go into effect.

Also:

H. 109. To repeal an Act of the Legislature of Alabama approved August 16th, 1923, entitled "An Act to fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the County Treasuries of the counties constituting the respective Circuits."

BILLS ON THIRD READING

The bill:

H. 274. To fix the amount of the salary or compensation of the county treasurer of any county in the State having a population of not less than ninety thousand nor more than one hundred and eighty thousand, according to the last or any succeeding Federal Census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this Act.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend H. 274:

Add Section 1½. "The Treasurer and the Assistant treasurer shall be preferred claims."

Amend Section 1 of said bill by striking therefrom the words "Four Thousand Dollars per annum," and substituting therefor the words "Four Thousand, Eight Hundred Dollars per annum."

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	McDowell	Warren
Craft	Hall	Millsap	Wikle
Darden	Hildreth		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	McDowell	Warren
Craft	Hall	Millsap	Wikle
Darden	Hildreth		

—30

The bill:

H. 454. To amend an act entitled, "An Act to amend Section 12 of an act 'relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama,' approved September 13, 1923," approved October 10, 1932.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend H. 454 by striking out the words: "three days" where they appear in Section 1 of said bill, and insert in lieu thereof the following: "ten days"

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Edmundson	Hildreth	Scruggs
Beasley	Faulk	Hooton	Shepherd
Bonner	Fletcher	McDaniel	Teasley
Caffey	Garrett	Millsap	Walker
Craft	Goodwin	Mullins	Warren
Darden	Hall	Powell	Wikle
Delony			

—25

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Hubbard	Scruggs
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hall	Mullins	

—31

The bill:

H. 273. To amend Sections 3057 and 3058 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Riddle
Beasley	Delony	Hubbard	Scruggs
Bonner	Duncan	Kelley	Shepherd
Brown	Edmundson	McDaniel	Teasley
Caffey	Garrett	McDowell	Walker
Cooper	Goodwin	Mullins	Warren
Cowart	Hall	Powell	Wikle
Craft			

—29

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 320. To authorize, empower and direct the Commissioners' Court of Clay County, or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Ala., to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty (20%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several Acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, for the use and benefit of the public schools of the county; to repeal

all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Patterson:

H. J. R. 113. Resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, April 14th, 1933, at 9:30 o'clock A. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted H. J. R. 113, set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The bill:

H. 281. To provide that no Board of Revenue and Road Commissioners or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, or by the authority of the State of Alabama, out of the funds of such county, and to provide a penalty for violation of this Act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Substitute for H. 281:

A BILL

To be entitled An Act to provide that no Board of Revenue and Road Commissioners, or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, out of the funds of such county, and to provide a penalty for violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That any Board of Revenue and Road Commissioners, or other like governing body in any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census is hereby prohibited from expending more than one thousand dollars (\$1000.00) in any one fiscal year for the purpose of having audits of the books and records of the County made or caused to be made by the authority of the governing body of such County.

Section 2. Any member of any county Board of Revenue and Road Commissioners, or other like governing body of such county, who directly or indirectly violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1000.00) and may be sentenced to not more than six (6) months at hard labor for such county, or both, in the discretion of the Court. A conviction on this offense is hereby made grounds for impeachment, as hereby provided for in such cases.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall go into effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 18; nays, 2.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper

Craft
Darden
Duncan
Edmondson
Garrett

Goodwin
Lapsley
McDaniel
McDowell

Mullins
Teasley
Walker
Wikle

—18

Nays: Messrs. Hooton and Hubbard

— 2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 3.

Yeas:

Messrs.:

Bartlett	Craft	Hall	McDowell
Beasley	Darden	Hildreth	Millsap
Bonner	Duncan	Kelley	Teasley
Caffey	Garrett	Lapsley	Walker
Cooper	Goodwin	McDaniel	Wikle

—20

Nays: Messrs. Hooton, Hubbard and Mullins

— 3

The bill:

H. 24. To amend Section Two of an Act entitled "An Act to permit automobile, automobile truck and other motor vehicle license and license tags to remain with the automobile, automobile truck or other motor vehicle for which they were purchased, and to be used by the new owner of such automobile, automobile truck or other motor vehicle and to require proper record in the Probate Office and in the State Tax Commissioner's Office of such change of ownership, and to prohibit any motor vehicle license tag being transferred from one motor vehicle to another or being used on any motor vehicle except the one for which it was originally taken out", approved May 23, 1931.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Lapsley
Beasley	Delony	Hildreth	McDaniel
Bonner	Duncan	Hooton	Mullins
Brown	Faulk	Hubbard	Teasley
Caffey	Fletcher	Kelley	Walker
Cooper	Garrett		

—22

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies by whatever name called, in all counties of this State having a population of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabitants, according to the last or any succeeding Federal Census, to issue to school teachers to whom the State and County are indebted for teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers

as of the date of the passage and approval of this Act; and to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply, pro rata and equitably, not less than fifteen per cent of all State and County school funds coming into its possession, to the reduction of and payment of indebtedness due school teachers who have taught in the public schools of such counties.

J. H. Stewart,
Clerk.

RECESS

At 1 P. M., on motion of Mr. McDaniel, the Senate took a recess until 3: o'clock this afternoon.

AFTERNOON SESSION—TWENTY-NINTH DAY

Tuesday, April 11th, 1933.

The Senate re-assembled at 3: o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:
Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall
Hildreth

Hooton
Hubbard
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Winkle

—34

REPORT OF COMMITTEE

Mr. Hildreth, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read at length a second time and placed on the calendar, to-wit:

By Mr. Bradford (Cherokee):

H. 407. To propose an amendment to Section 284, of Article XVIII, of the Constitution of Alabama of 1901.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama, to establish, maintain and operate a Telegraph Office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 337. To amend Section 7409 of the Code of Alabama, 1923.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies by whatever name called, in all counties of this State having a population of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabitants, according to the last or any succeeding Federal Census, to issue to school teachers to whom the State and County are indebted for teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers as of the date of the passage and approval of this Act; and to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply, pro rata and equitably, not less than fifteen per cent of all State and County school funds coming into its possession, to the reduction of and payment of indebtedness due school teachers who have taught in the public schools of such counties.

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama to establish, maintain and operate a telegraph office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of the Committee on Enrolled Bills.

BILLS AND RESOLUTION INDEFINITELY POSTPONED

On motion of Mr. Hildreth, the Senate indefinitely postponed further consideration of the following resolution and bills:

S. R. 27. Requesting the President of the Senate to appoint a committee to investigate utility rates and the possibility of securing a reduction of same.

Also:

S. 19. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

Also:

S. 213. To repeal Sections 4621, 4622, 4623, 4624 and 4626, Code of Alabama, 1923.

Also:

S. 216. To make lawful the sale, distribution, and possession of light wines and beer not to exceed 3.2 per cent alcohol in counties of not less than 115,000 nor more than 300,000 population according to the last or any subsequent Federal Census, and to pro-

vide for the disposition of any license taxes imposed and collected under this Act.

On motion of Mr. Teasley, the Senate indefinitely postponed further consideration of the bill:

S. 214. To fix, limit and regulate the salaries and compensation of certain county officers in this State; to provide the manner of payment of such salaries and compensation; to provide rules and regulations for accounting in connection therewith; to provide for the disposition of any excess compensation and for the handling or disbursement thereof; to provide for the repeal of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective; and to provide for penalties for the violation of the provisions of this Act.

On motion of Mr. Teasley, the Senate indefinitely postponed further consideration of the bill:

H. 125. To propose an amendment to the Constitution of Alabama to authorize the issue by the State of Certificates of Indebtedness for the sole purpose of funding the operating deficit of the State represented by State Warrants regularly issued, outstanding and unpaid, on September 30, 1932, the items to be funded to be not in excess of \$15,000,000.00, the certificates to be issued in exchange for the items to be funded; to define certain characteristics of said certificates and script for fractional amounts to be issued against same and certain rights and privileges appurtenant to same; also certain powers of the Legislature with reference to said funding operation and said certificates and script with reference to aiding the negotiations of such certificates for the benefit of school boards, and State Departments, agencies, and institutions which may become entitled to any of said certificates; also to approve and ratify any funding act of 1933 enacted at the Special Session of the Legislature which convened January 31st, 1933 relating to said certificates.

BILLS ON THIRD READING

The bill:

H. 19. To amend Section 266 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Was taken up.

The Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend H. 19 by striking out the words "four years" where they appear in Section 1 of said bill and insert in lieu thereof the words "three years."

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Hubbard	Shepherd
Bonner	Duncan	McDaniel	Teasley
Caffey	Faulk	McDowell	Wikle
Craft	Hall		

—18

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	McDowell
Beasley	Darden	Hall	Powell
Bonner	Delony	Hildreth	Scruggs
Brown	Duncan	Hubbard	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper			

—21

The bill:

H. 52. To amend Section 9008 of the Code.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill, to-wit:

Substitute for H. 52:

A BILL

To be entitled An Act to amend Section 9008 of the Code.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 9008 of the Code of Alabama of 1923 be, and the same is hereby amended so as to read as follows:

"9008—A mortgage of unplanted crops of agricultural products, executed on or after the first day of January of the year in which such crops are grown, conveys the legal title thereto, in all respects as if such crops were already planted; but all mortgages of crops grown or to be grown in any year except the year in which the mortgage is executed, and all contracts to execute such mortgages, shall be absolutely null and void."

Which was adopted:

Yeas, 22; nays, 3.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	Scruggs
Beasley	Darden	Kelley	Shepherd
Bonner	Delony	McDaniel	Teasley
Brown	Garrett	McDowell	Walker
Caffey	Goodwin	Powell	Warren
Cooper	Hall		

—22

Nays: Messrs. Duncan, Faulk and Hubbard

— 3

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 4.

Yeas:

Messrs.:

Bartlett	Cowart	Hildreth	Scruggs
Beasley	Craft	Kelley	Shepherd
Bonner	Darden	McDaniel	Teasley
Brown	Delony	McDowell	Walker
Caffey	Goodwin	Powell	Warren
Cooper	Hall		

—22

Nays: Messrs. Duncan, Faulk, Garrett and Hubbard

— 4

The bill:

H. 309. To amend Section 7 of an Act entitled An Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Was taken up.

Mr. Craft offered the following substitute for said bill, to-wit: Substitute for House bill No. 309:

A BILL

To be entitled An Act to amend Section 7 of an Act entitled an Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government, to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of

such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Be it enacted by the Legislature of Alabama:

That Section 7 of an Act entitled an Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911, be amended so as to read as follows:

Section 7. That every city adopting the form of government provided for by this Act shall be governed and managed by the board of commissioners provided for herein. Each and every officer and employee of said city other than the commissioners and the city recorder shall be selected and employed by the said board, or under its direction, and all salaries and wages paid by said city, except as otherwise provided by the terms of this Act shall be fixed by said board. The commissioners shall prescribe, and may at any time change, the powers, duties and titles of all subordinate officers and employees of said city except the city recorder, and all except the city recorder shall hold office and be removable at the pleasure of the board of commissioners. The city recorder shall be elected at an election held on the third Monday in November, 1934, and on the same date each four years thereafter, and shall hold office for a term of four years beginning on the 1st day of December, 1934, and until his successor shall be elected and qualified, such election to be held in the same manner as elections are held for the purpose of electing members of the board of commissioners as provided in this Act. The city recorder shall be a person learned in the law, provided, however, such recorder shall not be prohibited from practicing his or her profession when not in conflict with the duties

of recorder. The recorder elected hereunder shall have the powers and duties now or hereafter provided by law. The salary of the recorder shall be One Thousand Nine Hundred and Twenty Dollars (\$1,920.00) per year payable out of the City Treasury as other salaries are paid. In case of vacancy in the office of recorder by death or otherwise such vacancy shall be filled by appointment by the board of commissioners, and such appointee shall hold office for the remainder of the term and until his successor shall be elected and qualified. Provided, however, that all salaried officials, except members of the boards and commissions above mentioned, who are holding office at the time of the adoption of such form of government under an election, appointment, or other selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions and regulations, which would have existed had there been no change in the government of such city. The executive and administrative powers and duties in such cities shall be distributed into and among such departments, as may be determined by a majority of said commissioners, and the powers and duties pertaining to each department shall be fixed by the said board of commissioners and altered from time to time as they may deem best, and one of the members of said board shall be assigned to take charge of each such department and, as head of such department, shall exercise the duties and powers so provided by said board, and said assignments may be changed at any time by a majority of said board.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Shepherd
Cooper	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Garrett	Kelley
Beasley	Darden	Goodwin	Lapsley
Bonner	Delony	Hall	McDaniel
Brown	Duncan	Hildreth	McDowell
Caffey	Edmundson	Hooton	Millsap
Cooper	Fletcher	Hubbard	Mullins

Powell
Riddle

Scruggs
Shepherd

Walker

Warren

—30

The bill:

H. 178. To amend an Act of the Legislature of Alabama, approved September 9, 1927, (General Acts of Alabama of 1927, page 564) to advance the cause of education, etc., by striking therefrom the last thirteen words thereof.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Coward
Craft

Darden
Delony
Faulk
Garrett
Goodwin
Hall

Hildreth
Hooton
Hubbard
Kelley
McDaniel

McDowell
Powell
Scruggs
Teasley
Warren

—22

The bill:

H. 247. To amend Section 5 of An Act entitled: "An Act to establish Jury Boards in the several counties of the State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward

Craft
Darden
Delony
Faulk
Garrett
Goodwin
Hall

Hildreth
Hooton
Hubbard
Kelley
McDaniel
McDowell

Mullins
Powell
Shepherd
Teasley
Walker
Warren

—26

The bill:

H. 456. To officially designate October 12th, as a holiday to be known as Columbus Day and Fraternal Day.

Was taken up.

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend H. 456 as follows:

1. By adding to the caption of said bill the following "And to abolish what is now designated as Fraternal Day."

2. By adding after Section 1 the following: Section 1½. That the holiday now designated as Fraternal Day is hereby abolished.

Mr. Hooton moved that said amendment be laid on the table, which motion was lost.

And the amendment offered by Mr. Hildreth was then adopted.

Yeas, 24; nays, 3.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Cowart
Darden
Delony
Faulk
Garrett
Goodwin

Hall
Hildreth
Hubbard
Kelley
McDaniel
McDowell

Millsap
Mullins
Powell
Scruggs
Shepherd
Warren

—24

Nays: Messrs. Craft, Hooton and Teasley

— 3

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 17; nays, 4.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cowart

Darden
Delony
Faulk
Garrett

Goodwin
Hall
Hildreth
McDaniel

McDowell
Mullins
Powell
Warren

—17

Nays: Messrs. Craft, Hooton, Kelley and Teasley

— 4

REPORT OF CONFERENCE COMMITTEE

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned Committee of Conference, heretofore appointed by you on disagreement of the two Houses, to the Senate Substitute to House bill 179 beg leave to report and recommend as follows:

(1) We recommend that the Senate recede from its substitute.

(2) We recommend that Section (1) of House Bill 179 be amended so as to read as follows:

"Section 1. That Section 7 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an

offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws." Approved September 9, 1927, as amended by an Act to amend the title and Section 1 of the Act entitled as just set out hereinbefore, said amendatory Act being itself approved April 21, 1931, be and the same is hereby amended so as to read as follows: Section 7. Appointment of Judge, Term, Salary. There shall be a Judge of said Juvenile Courts whose terms of office shall be for three years from the date of their appointments and until their successors are appointed and qualified which successors shall be appointed by the Juvenile Court Commissions of said Counties. Such Judge shall have been a citizen of the State and the County in which said Court exercises jurisdiction for at least five years before his appointment, shall be learned in the law and shall not be less than twenty-five years of age. He shall be a person of high moral character, clean life, and shall be selected for his special fitness by training, education and experience to deal with the problems of dependent, neglected and delinquent children. The salary of said Judge shall be Eighteen Hundred Dollars per year, payable in twelve equal monthly installments out of the general funds of the County in which said Courts are located and exercise their jurisdictions. The Judge of said Court shall have authority where not otherwise provided for by law to fix the character and form of the records of such courts. He may practice law insofar as it does not interfere with his duties as a Judge, but not in any case or matter that arose in said Juvenile Court.

JOHN CRAFT,
D. HARDY RIDDLE,
CHAS. B. TEASLEY,

On the Part of the Senate.

W. C. TAYLOR,
TURNER GRANADE,
GEORGE A. SOSSAMAN,

On the Part of the House of Representatives.

CONFERENCE REPORT

On motion of Mr. Craft, the Senate concurred in and adopted the foregoing Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than

95,000 and not more than 175,000, defining their powers and jurisdiction and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor, providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act to amend the title and Section 1 of the Act entitled as just set out at length hereinabove, said amendatory Act being itself approved April 21, 1931.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey

Cooper
Craft
Darden
Delony
Duncan

Edmundson
Faulk
Fletcher
Garrett
Goodwin

Hall
Hildreth
Hubbard
Kelley
Lapsley

Lusk
McDowell
Millsap

Mullins
Powell
Riddle

Scruggs
Shepherd

Walker
Warren

—30

The bill:

H. 344. To further regulate, provide for and require bonds of County officials and employees and clerks, deputies and employees in County offices; to provide for the fixing and approving of such bonds; and to provide upon what conditions and the manner in which sureties on official bonds may be relieved therefrom.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill, to-wit:

Substitute H. 344 so as to read as follows:

A BILL

To be entitled An Act to further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices, to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor.

Be it enacted by the Legislature of Alabama:

Section 1. That all county officials, as set forth in this Act, of all counties in this State shall be required to execute official bonds payable to the State of Alabama for the faithful performance of their duties, and such additional official bonds as from time to time the public interests may demand and as required by the provisions of law.

Section 2. The County Board of Education shall fix and approve the official bond of the County Superintendent of Education, which said bond shall be in a sum not less than three thousand dollars, and of the County Treasurer of public school funds which shall be not less than the largest amount of public school funds had on hand by the County Treasurer of public school

funds at any time during the preceding fiscal year; provided, however, that in counties having a population of 75,000 or more according to the last Federal census, the Court of County Commissioners, Board of Revenue or other like governing body of the respective county are hereby authorized and empowered to fix the amount of and approve the official bond of the County Treasurer of public school funds.

Section 3. The Court of County Commissioners, Boards of Revenue or other like governing bodies of the respective counties are hereby authorized and empowered to fix and approve the official bonds of all other county officials and employees, and clerks, deputies and employees in county offices in such an amount or amounts as may in their judgment be necessary for the safety and security of public funds or other funds and as the public interest may demand subject to such limitations as are specifically provided herein and made applicable to each particular county official.

Section 4. The official bond of the Probate Judge shall in no case be less than \$10,000.00.

Section 5. The official bond of the Clerk of the Circuit Court shall in no case be less than \$5,000.00.

Section 6. The official bond of the Clerk of the County Court shall in no case be less than \$2,500.00.

Section 7. The official bond of the Clerk of the Circuit Court in Equity shall in no case be less than \$5,000.00.

Section 8. The official bond of the Tax Assessor shall in no case be less than \$5,000.00.

Section 9. The official bond of the Tax Collector shall in no case be less than the largest amount of the collected taxes had on hand by the Tax Collector at any time during the preceding fiscal year, such amount to be determined and estimated by the records of said office.

Section 10. The official bond of the Sheriff shall in no case be less than \$5,000.00.

Section 11. The bond of the County Treasurer under the general laws of the State or of the Treasurer in lieu of a county depository or of the person performing the duties usually performed by such County Treasurer shall be not less than the largest amount of public funds in the possession or under the control of such office during the preceding fiscal year.

Section 12. The official bond of the Coroner shall in no case be less than \$1,000.00.

Section 13. That each member of the Court of County Commissioners, of the Board of Revenue or like governing body of each county shall be required to give a bond in the sum of at least \$3,000.00 to be fixed and approved by the Judge of the Circuit Court of a Circuit of which such county forms a part and

where there are two or more Circuit Judges in said Circuit, then said bonds shall be fixed and approved by the Senior Judge of said Circuit.

Section 14. The official bonds of Justices of the Peace, Notaries Public and Ex-Officio Justices of the Peace, Notaries Public, Constables and County Surveyors shall be, as to each officer, in the sum of \$1,000.00 the premiums on said bonds to be paid by the person making such bond and without expense to the County.

Section 15. The bonds of all other County Officers in Counties where such officers are created by special or local act or acts of the Legislature, or by general acts having application to particular Counties coming within the provisions of such acts, and where the amount of official bonds to be given is provided for in said act or acts shall be of the amount so provided in said act or acts, and where not so specifically provided shall be in such an amount as in the judgment of the Court of County Commissioners, Board of Revenue or other like governing body of each of such counties is sufficient to secure and safeguard any and all public moneys of whatsoever nature coming into the hands of such officers by virtue of said offices.

Section 16. That when in the judgment of the Court of County Commissioners, Board of Revenue or like County governing body of any County any bond provided for in this Act is insufficient either as to the penalty or the surety to fully protect the public interests and safeguard the public funds such governing body may require such officer to make an additional bond in such amount and with such sureties as may be approved by said governing body; provided the foregoing shall not apply to the County Superintendent of Education or the County Treasurer of public school funds, but when in the judgment of the County School Board the bond of the Superintendent of Education or the County Treasurer of public school funds of said county is insufficient either in penalty or surety to fully safeguard the public school funds, such County School Board shall require such officer to make additional bonds in such amounts and with such sureties as may be approved by said Board.

Section 17. That official bonds of County officers approved prior to the passage and approval of this Act shall remain and continue in full force and effect and the officer giving such bond shall not be required to make any new or additional bond except as provided in Section 16 of this Act.

Section 18. That when in the judgment of the Court of County Commissioners, Board of Revenue or like governing body of any county it is considered necessary to the protection of the public interest, such governing body may require any county employee or any clerk, deputy or employee in any county office to

give bond in such amount and with such surety as may be approved by said governing body, unless such bond is already provided for in this act.

Section 19. All bonds provided for in this Act may be made by a surety company or surety companies authorized by their charters to make such bonds provided they are qualified to do business in this State or may be made with individual sureties or banks or other corporations qualified to do business in this State and authorized under their charters to make such bonds.

Section 20. The premiums on all bonds provided for in this Act, when made by surety companies, shall be paid by the respective counties out of the general funds of said county, except that the premiums on the bonds of Superintendent of Education and of County Treasurer of public school funds shall be paid by the Board of Education of said County out of the three mill school tax and the premiums on all bonds of \$1,000.00 or less shall be paid by the officer making said bond.

Section 21. That the bonds of all county officers and county employees as referred to in this Act, with the exception of the bond of the Judge of Probate, shall be filed and recorded in the office of the Judge of Probate, and the bond of the Judge of Probate shall be filed and recorded in the office of the Clerk of the Circuit Court, and certified copies of the bonds of the Probate Judge and Tax Assessor and Tax Collector shall be filed with the State Comptroller.

Section 22. That the bonds herein required to be made shall be conditioned as now provided by law, and shall in all respects be subject to and governed by the provisions of law governing, regulating, concerning and pertaining to official bonds except as may be in conflict with provisions of this Act.

Section 23. Any person or corporation who is surety upon the official bond of any county officer or employee, by whomsoever approved, may discharge himself or itself of such suretyship upon making sworn application in writing addressed to the official, court, Board or Commission required to approve such bonds, setting forth such facts. Upon the filing of such application said official, Court, Board or Commission to whom such application is addressed shall forthwith cause personal written notice to be served upon said principal fixing a day not less than fifteen nor more than thirty days after the date of the filing of such application requiring such principal to appear before him or it on and at a certain date and place and give a new bond; and upon the failure of such principal to give such bond within the time specified in such notice, he vacates his office and the official, Court, Board or Commission giving such notice must at once certify such vacation to the appointing power who must fill the vacancy.

If a new bond be filed the same must be in such amount and filed and approved as provided in this Act.

On the execution, approval and filing of such new bond such surety will stand discharged from all liability for any breach of said bond occurring thereafter but said discharge shall not affect the previous liability of any of the obligors, and in case of the discharge of any one or more obligors under this Act the same shall operate as a discharge of all other obligors on said bond. When the sureties on either bond have made any payments thereon on account of the principal obligor therein, they are entitled to the same remedies and recoveries against the sureties in the remaining bonds as was provided by Section 2668 of the Code of 1923. Every such new or additional bond approved and filed as in this Act provided is binding upon the obligors from the time of its approval and subjects them to the same liabilities, proceedings and remedy as are provided in relation to the first official bond of such officer or employee.

Section 24. Whenever any court of County Commissioners, Board of Revenue or other like governing body or Board of Education of any County shall, pursuant to the provisions herein require any additional bond from any county official, employee, deputy, clerk or employee in any county office, such requisition must be in writing and signed by the proper officer making the same and must state the date and place when and where the person cited must appear and give such bond and the amount thereof and a copy of such requisition must be personally served on such person before the date specified therein and such person must give such additional bond within fifteen days after the date specified in such requisition, and failing to do so he vacates his office and the officer making the requisition must at once certify the same to the appointing power by whom the vacancy must be filled.

Section 25. Whenever, in the judgment of the Court of County Commissioners, Board of Revenue or like governing body of any county, the amount of the bond of any county official or employee, or clerk, deputy, or employee in county offices, which is required to be approved by such body is greater than is necessary, said Court, Board or body is hereby authorized and empowered to reduce the amount of said bond, but not below the minimum fixed by this Act. A resolution to that effect shall be adopted by said Court, Board or body and spread upon its minutes and a certified copy thereof served upon all of the obligors in said bond. The liability of said obligors under said bond so reduced for any breach occurring after said reduction shall not exceed the amount of said bond as so reduced. In event of such reduction the obligors shall refund to said Court of County Com-

missioners, Board of Revenue or like governing body the prorata unearned premium on the amount of said reduction. Whenever, in the judgment of the Board of Education of any county the amount of the bond of the Superintendent of Education or of the County Treasurer of public school funds is greater than is necessary, said Board of Education is hereby authorized and empowered to reduce the amount of said bond but not below the minimum fixed by this Act. A resolution to that effect shall be adopted by said Board and spread upon its minutes and a certified copy thereof served upon all of the obligors in said bond. The liability of said obligors under said bond so reduced for any breach occurring after said reduction shall not exceed the amount of said bond as so reduced. In event of such reduction the obligors shall refund to said Board of Education the prorata net unearned premium on the amount of said reduction.

Section 26. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 27. If any Section or part of Section of this Act be declared unconstitutional such unconstitutionality shall not affect the remaining Sections or parts of Sections of this Act.

Section 28. This Act shall take effect upon its approval by the Governor.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hall	Millsap
Beasley	Darden	Hildreth	Mullins
Bonner	Delony	Hubbard	Scruggs
Brown	Duncan	Kelley	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart	Goodwin		

—26

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Scruggs
Caffey	Faulk	Kelley	Teasley
Cooper	Goodwin	McDaniel	Warren
Cowart	Hall	McDowell	Wikle
Craft			

—25

The bill:

H. 239. To make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a

preferred claim against the State of Alabama; and to provide that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for H. 239:

A BILL

To be entitled An Act to make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a preferred claim against the State of Alabama; and to provide that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid; to provide for the partial payment of pensions in the event that there are not funds available to pay same in full.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, be and the same are hereby declared to be preferred claims against the General Fund of the State of Alabama.

SECTION 2. That if there be a deficit in the pension fund, it may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid; and this shall not constitute a diversion of funds.

SECTION 3. In the event that there is not sufficient money to the credit of the pension fund, including any money declared to be a preferred claim against the general fund to pay the pensions in any quarter in full, it shall be the duty of the Comptroller to draw warrants pro rata against such funds as are available for the payment of the quarterly pension, and when funds are available it shall be his duty to draw warrants for the balance due on any quarterly payment.

SECTION 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby specifically repealed.

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Garrett	McDaniel
Beasley	Craft	Goodwin	McDowell
Bonner	Darden	Hall	Mullins
Brown	Delony	Hildreth	Teasley
Caffey	Duncan	Hubbard	Warren
Cooper	Faulk	Kelley	Wikle

—24

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	McDaniel
Beasley	Darden	Hall	McDowell
Bonner	Delony	Hildreth	Mullins
Brown	Duncan	Hooton	Teasley
Caffey	Faulk	Hubbard	Warren
Cooper	Garrett	Kelley	Wikle
Cowart			

—25

The bill:

H. 441. To provide for the appointment or election of a bailiff to attend the sessions and serve the Grand Jury of the Circuit Court in all counties of the State having a population of more than 200,000, according to the last or any subsequent Federal census, and to fix the compensation for such bailiff and to provide the manner of payment thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Fletcher	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	Millsap	Walker
Craft	Hall	Mullins	Warren
Darden	Hildreth		

—30

The bill:

H. 449. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, the Tax Assessor must each year make an Assessment Book; to describe the contents of said Book; and to provide that the cost of said Book shall be paid by the governing body of such counties and shall be a preferred claim against the county; and to provide for the repeal of all laws in conflict herewith; and to provide when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Faulk	Lapsley	Scruggs
Caffey	Fletcher	McDaniel	Shepherd
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hall		

—30

The bill:

H. 457. To further provide for and regulate and control the nomination by political parties of candidates for the office of circuit judge in all judicial circuits in Alabama which now have or may hereafter have a population of three hundred thousand or more according to the last or any subsequent Federal census; and to provide that when more than one candidate is to be nominated for the office of Circuit Judge in such circuits, the positions to be filled shall not be numbered on the official ballot in any Primary Election held for such nominations and the persons who seek said nominations shall not be required to designate or specify any particular judgeship or division of said court to which such persons seek nominations.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

Said Governor's Message containing his objections and proposed amendment being in words and figures as follows, to-wit:

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen.

I am herewith returning to the House of Representatives, the body in which it originated, House Bill No. 321 without my approval.

I suggest the following amendment, which, if made, will cause the bill to meet my approval:

Leave out Section 4 entirely, leaving the remaining sections as they are, numbering Section 5 as Section 4; Section 6 as Section 5, and Section 7 as Section 6. The bill will be complete and effective without Section 4.

In my opinion Section 4 clearly offends Section 205 of the Constitution of Alabama. This Section provides that no mortgage or other alienation of the homestead by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of the wife to the same. I feel that if the conveyance were made, as provided in this act, to a homestead that the same would be entirely void under Section 205 of the Constitution.

Respectfully,

B. M. MILLER,
Governor.

April 11, 1933.

And the House has concurred in and adopted the amendment proposed by the Governor to said bill by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; nays, 0.

And said bill as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time, at length, and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; nays, 0.

And said bill together with the Governor's Message containing his objections and proposed amendment are sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Hildreth, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 321, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hall	Mullins
Beasley	Delony	Hildreth	Riddle
Bonner	Duncan	Hooton	Scruggs
Brown	Faulk	Hubbard	Shepherd
Caffey	Fletcher	Kelley	Walker
Cooper	Garrett	McDaniel	Warren
Cowart	Goodwin	McDowell	Wikle
Craft			

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hall	Riddle
Beasley	Duncan	Hildreth	Scruggs
Bonner	Edmundson	Hooton	Shepherd
Brown	Faulk	Hubbard	Teasley
Caffey	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—29

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 19. To amend Section 266 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Also:

H. 52. To amend Section 9008 of the Code.

Also:

H. 239. To make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a preferred claim against the State of Alabama; and to provide that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid; to provide for the partial payment of pensions in the event that there are not funds available to pay same in full.

Also:

H. 309. To amend Section 7 of an Act entitled An Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their

terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference heretofore appointed on the disagreement of the two Houses on the Senate amendment to the bill:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers; for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any fam-

ily, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court, or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws, "Approved September 9, 1927, as amended by an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

J. H. Stewart;
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 274. To fix the amount of the salary or compensation of the county treasurer of any county in the State having a population of not less than ninety thousand nor more than one hundred and eighty thousand, according to the last or any succeeding Federal Census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this Act.

Also:

H. 281. To provide that no Board of Revenue and Road Commissioners, or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, out of the funds of such county, and to provide a penalty for violation of this Act.

Also:

H. 454. To amend an Act entitled, "An Act to amend Section 12 of an Act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the

revenue of the State of Alabama,' approved September 13, 1923," approved October 10, 1932.

J. H. Stewart,
Clerk.

REPORT OF THE SECRETARY

To the Senate:

In accordance with the requirements of Joint Rule No. 5 of the Senate and House, I hereby report the following Senate bills and Senate joint resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 148. An Act to provide for holding a convention to pass upon the question of ratification or rejection of the proposed 21st Amendment to the Constitution of the United States; to provide the date on which the members thereof shall be elected and the number thereof; the date on which the convention shall assemble; to provide for the holding of the election for delegates, the mode and manner thereof, and that each candidate shall pledge himself to abide by the results of the election in the State; and to provide that each voter shall cast his ballot for or against repeal of the 18th Amendment and for or against ratification of the proposed 21st Amendment.

Delivered to Secretary of State March 30, 1933, 10:45 A. M.

Also:

S. 197. To further regulate the public school system of the County of Mobile, by establishing a Board of School Commissioners for Mobile County of seven members in the place and stead of the Board of School Commissioners of Mobile County as at present constituted; to provide for the appointment and election of the members of the said Board; to provide that said new Board of seven members shall have the same title and exercise the same rights, powers, duties and privileges as are now had and exercised by the Board of School Commissioners of Mobile County as at present constituted; and to that end, to abolish the Board of School Commissioners of Mobile County, as now constituted.

Delivered to the Governor April 4, 1933, at 3:15 P. M.

Also:

S. J. R. 56. Requesting that Alabama be allowed to participate in the Federal funds that are appropriated for the purpose of forestry restoration.

Delivered to the Governor April 4, 1933, at 4:15 P. M.

Also:

S. 66. To amend Section 2734 of the Alabama Code of 1923.

Delivered to the Governor April 7, 1933, at 10:35 A. M.

Also:

S. 96. For the Relief of the Court of County Commissioners of Randolph County.

Delivered to the Governor April 7, 1933, at 10:35 A. M.

Also:

S. 104. To further provide methods for removing oysters from public reefs and bottoms, to be prescribed and designated by the Commissioner of Game and Fisheries, in the waters of all counties of Alabama having a population of more than 50,000 inhabitants according to the last or any subsequent Federal census; to provide for taxes, etc., in lieu of present taxes on oysters; and to further provide for regulation of the oyster industry and development, and to provide for penalties for violation of this Act, and for other purposes. And to provide that seed oysters may be taken for planting purposes at any time and planted in any suitable waters within the State of Alabama; and further to provide oysters in shell may be shipped out of the State of Alabama, except for canning purposes.

Delivered to the Governor April 7, 1933, at 10:35 A. M.

Also:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

Delivered to the Governor April 7, 1933, at 10:35 A. M.

Also:

S. 99. To amend Section 136 of the Alabama School Code as amended by an Act entitled "An Act to amend Section 136 of the Alabama School Code as adopted by an Act entitled 'An Act to adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education,' approved August 27, 1927."

Delivered to the Governor April 7th, 1933, at 11:45 A. M.

Also:

S. J. R. 61. Relative to Federal Aid of \$3,000,000.00 now available to Alabama for highways.

Delivered to the Governor April 11th, 1933, at 12:20 P. M.

Also:

S. 195. To authorize and direct County School Commissioners, County School Boards or other County School Governing Bodies by whatever name called, in all counties of this State having a population of not more than one hundred and fifty thousand and not less than one hundred and eleven thousand inhabi-

tants, according to the last or any succeeding Federal Census, to issue to school teachers to whom the State and County are indebted for teaching in the public schools of such counties, warrants to each of such teachers for the full amount due each of such teachers as of the date of the passage and approval of this Act; and to provide that after the passage and approval of this Act, such County School Commissioners, County School Boards or other County School Governing Bodies, shall apply pro rata and equitably, not less than fifteen per cent of all State and County school funds coming into its possession, to the reduction of and payment of indebtedness due school teachers who have taught in the public schools of such counties.

Delivered to the Governor April 11th, 1933, at 3:15 P. M.

Also:

S. 203. To provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Delivered to the Governor April 11th, 1933, at 3:15 P. M.

Also:

S. 211. To require all Telegraph Companies which have telegraph wires or lines of communication running into or through the City of Phenix City, Alabama to establish, maintain and operate a telegraph office in Phenix City, Alabama, for the purpose of receiving and sending messages to and from the City of Phenix City, Alabama, and to require them to furnish messenger service.

Delivered to the Governor April 11th, 1933, at 3:15 P. M.

SECRETARY'S REPORT

The foregoing report of the Secretary was read, concurred in and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing Report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Twenty-ninth Legislative Day approved.

ADJOURNMENT

At 4:20 P. M., on motion of Mr. McDaniel and in accordance with joint resolution heretofore adopted, the Senate adjourned until Friday, April 14th, 1933, at 9:30 A. M.

THIRTIETH DAY

Friday, April 14th, 1933.

The Senate met pursuant to adjournment, Lieutenant Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. C. A. Rush, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTION AND SPECIAL ORDERS SET

The Rules Committee reported the following Senate resolution:

S. R. 64. Be it resolved by the Senate that the following shall be the order of business on the call of the regular calendar for today:

1.

H. 54. In reference to and to further provide for the general revenue of the State of Alabama.

2.

H. 445. To amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

Special, paramount and continuing order for 11: A. M.

Said bill, H. 445 to be put upon its third reading and a vote taken on the bill and any amendments at or before 1: P. M., all debate and arguments cease at 1: P. M.

3.

H. 338. To amend Section 1 and to repeal Sections 2, 3 and 3½ of an Act entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932.

H. 277. To amend Section 2 of an Act entitled: "An Act to regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one half of one per cent alcohol," passed over the Governor's veto, October 6, 1932.

Special orders for 12: M. or following final disposition of H. 445.

4.

H. 399. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

Mr. Hildreth moved that said resolution be laid on the table, which motion was lost.

Yeas, 14, nays, 21.

Yeas:

Messrs.:

Bartlett
Bonner
Cooper
Delony

Duncan
Faulk
Hall
Hildreth

Hooton
Kelley
Lusk

McDaniel
McDowell
Scruggs

—14

Nays:

Messrs.:

Beasley
Brown
Caffey
Cowart
Craft
Darden

Edmundson
Fletcher
Garrett
Goodwin
Hubbard

Lapsley
Millsap
Mullins
Powell
Riddle

Shepherd
Teasley
Walker
Warren
Wikle

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On motion of Mr. Powell, said resolution was put upon its passage and adopted, and said bills made Special Orders as therein indicated.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 183. To fix, limit or regulate the salaries and compensation of certain officers and employees of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lapsley, the Senate concurred in the following amendment by the House to S. 183, the title of which is set out in the foregoing Message from the House to-wit:

By Mr. Harrison:

Substitute for substitute for S. 183:

A BILL

To be entitled An Act to fix, limit or regulate the salaries and compensation of certain officers and employees of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That the annual salaries of the officers and employees of the State of Alabama hereinafter named shall be the amounts hereinafter set opposite the respective offices, positions and employments, and shall be payable in equal monthly installments, viz: The following salaries are hereby fixed for the officers and employees of the Department of Agriculture and Industries:

Commissioner of Agriculture and Industries.....	\$3,600.00
Chief Clerk	2,400.00
7 Supervisors (each).....	2,400.00
3 Inspectors (each).....	1,800.00
1 Inspector	2,100.00
Inspectors (each)	1,500.00
Auditor	2,100.00
Seed Analyst	1,800.00
Soil Chemist	2,400.00
2 Assistant Soil Chemists (each).....	1,320.00
State Chemist	1,200.00

Assistant Chemist	1,450.00
State Veterinarian	2,400.00
2 Assistant State Veterinarians (each)	1,800.00
Apiary Inspector	2,100.00

The following salaries are hereby fixed for the officers and employees of the Department of Archives and History:

Director	2,700.00
Curator	2,400.00
Chief Clerk	2,100.00
Librarian	1,500.00
Stenographer-Statistician	1,200.00
File Clerk	1,200.00
Stenographer	1,200.00

The following salaries are hereby fixed for the officers and employees of the office of the Attorney General:

Attorney General	4,000.00
First Special Assistant Attorney General	2,700.00
Second Special Assistant Attorney General	2,700.00
Third Special Assistant Attorney General	2,700.00
Fourth Special Assistant Attorney General	2,700.00
Fifth Special Assistant Attorney General	2,700.00
Stenographer	1,400.00
2 Stenographers (each)	1,200.00

The following salaries are hereby fixed for the officers and employees of the State Auditors office:

State Auditor	3,600.00
Chief Clerk	2,400.00
2 Assistant Clerks (each)	1,500.00
1 Stenographer	1,200.00

The following salaries are hereby fixed for the officers and employees of the State Pension Commission:

1 Secretary	1,500.00
1 Clerk-Stenographer	1,200.00

The following salaries are hereby fixed for the officers and employees of the Banking Department, State of Alabama:

Superintendent of Banks	3,600.00
Assistant Superintendent of Banks	3,000.00
Secretary Examiner	2,400.00
Office Assistant	2,400.00
Examiners (each)	2,400.00
2 Stenographers (each)	1,500.00

The following salaries are hereby fixed for the officers and employees of the State Board of Administration:

Director	5,000.00
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STATE BOARD OF ADMINISTRATION, EXECUTIVE OFFICE:

Chief Clerk	2,400.00
Stenographer and Clerk	1,500.00
Chief Accountant	2,400.00
Bookkeeper	1,500.00
Clerk	1,500.00
Purchasing Agent	3,600.00
3 Clerks (each)	1,350.00
1 Clerk State Insurance Fund	1,500.00

CONVICT DEPARTMENT (Montgomery Office):

Assistant Director	3,600.00
Assistant Director	3,600.00
Chief Clerk	2,400.00
4 Clerks (each)	1,320.00
Farm Superintendent	2,400.00
Traveling Auditor	1,800.00
Identification Officer	1,800.00
Chaplain	1,500.00
Dentist	1,800.00
4 Transfer Agents (each)	1,320.00

ATMORE PRISON, Atmore:

Warden	2,400.00
Deputy Warden	1,500.00
Physician	1,800.00
Canning Plant Superintendent	1,800.00
2 Bookkeepers (each)	1,320.00

ALABAMA COTTON MILLS:

2 Overseer	2,000.00
2 Overseer	1,500.00
1 Overseer	1,350.00
1 Master Mechanic	1,320.00
Superintendent of Dyeing	2,000.00

KILBY PRISON:

Warden	2,400.00
Deputy Warden	1,800.00
Chief Clerk	1,600.00
Physician-Surgeon	3,600.00
Resident Physician	2,000.00
Engineer	2,400.00
Steward	1,500.00
Herdsmen	2,000.00

KILBY COTTON MILL, Speigner Prison:

Warden	1,800.00
Deputy Warden	1,350.00
Overseer	2,000.00
Assistant Overseer	2,000.00
Overseer of Carding and Spinning	1,800.00

Superintendent of Cloth Room.....	1,700.00
Machinist	1,500.00

NO. 4 PRISON:

Warden	1,800.00
Bookkeeper	1,500.00

WETUMPKA PRISON:

Warden	1,800.00
Superintendent of Knitting Department.....	1,800.00
Resident Physician	2,000.00
Superintendent of Tailor Shop.....	1,500.00
Road Camp Wardens (each).....	1,400.00

The following salaries are hereby fixed for the officers and employees of the Child Welfare Department:

Director	3,000.00
Chief Child Labor Inspector.....	2,000.00
Administrative Assistant and Supervisor.....	2,400.00
Institution Visitor	2,000.00
1 District Supervisor.....	2,000.00
Assistant Supervisor	2,000.00
Special Worker for Adoptions.....	1,440.00
Deputy Child Labor Inspector.....	1,500.00
1 Visitor	1,200.00
4 District Supervisors (each).....	1,750.00
Purchasing Agent Division of Child Care.....	1,320.00
3 Visitors (each).....	1,500.00

The salary of every Circuit Judge in this State shall be..... 4,000.00

The salary of the Solicitor for each Judicial Circuit, except the Bessemer Division of the 10th Judicial Circuit, shall be..... 3,000.00

The salary of Circuit Solicitor 10th Judicial Circuit, Bessemer Division

1,500.00

The salary of the First Deputy Circuit Solicitor for the 10th Judicial Circuit shall be..... 2,100.00

The salaries of the Second and Third Deputy Circuit Solicitors for the 10th Judicial Circuit shall be (each)..... 1,500.00

The salary of the Deputy Circuit Solicitor for the 10th Judicial Circuit Bessemer Division shall be..... 900.00

The salary of the Assistant Circuit Solicitor for the 15th Judicial Circuit shall be..... 1,080.00

The salaries herein provided for the Circuit Judges and Solicitors or Deputy Solicitor or Assistant Solicitors is the amount of portion thereof to be paid by the State and nothing herein shall be construed to affect any provision of the law for the payment by any County of any additional amount of salary to any such officer or officers.

The salaries of the Judges and employees of the Court of Appeals shall be as follows:

3 Judges (each).....	4,300.00
Clerk	2,400.00
Assistant Clerk	1,500.00
Secretary	1,500.00

The salaries of the officers and employees of the Department of Education shall be as follows:

EXECUTIVE AND ADMINISTRATIVE:

Superintendent of Education.....	3,600.00
Assistant Superintendent	2,400.00
Secretary to Superintendent.....	1,800.00

BUSINESS MANAGEMENT:

Chief Clerk	2,400.00
Assistant Chief Clerk	2,000.00

EXCEPTIONAL EDUCATION:

Director	2,400.00
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PHYSICAL AND HEALTH EDUCATION:

Director	2,400.00
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RESEARCH AND INFORMATION:

Statistician	1,200.00
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SCHOOL HOUSE PLANNING:

Director	2,400.00
Architect	2,400.00

SCHOOL AND COMMUNITY ORGANIZATION:

Director	2,400.00
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SECONDARY EDUCATION:

Director	2,400.00
Supervisor	2,000.00
Supervisor	2,000.00

TEACHER TRAINING, CERTIFICATION AND ELEMENTARY EDUCATION:

Director	2,400.00
Secretary	2,000.00
Supervisor	2,000.00

VOCATIONAL EDUCATION:

Director	2,400.00
Supervisor of Agriculture.....	2,000.00
Supervisor of Home Economics.....	2,000.00
Supervisor of Trades and Industries.....	2,000.00
Supervisor of Rehabilitation.....	2,000.00

(Provided that the annual or monthly salaries paid by the United States to the officers or employees in the Division of Vocational Education shall be deducted from the above specified amounts in fixing the annual or monthly state pay of such officers or employees.)

The salaries of the Governor and the employees in the office of the Governor shall be as follows:

Governor	6,000.00
Private Secretary	3,000.00

Recording Secretary	2,400.00
Clerk	1,700.00
1 Stenographer	1,500.00
Legal Advisor to the Governor	4,000.00

EMPLOYEES OF CAPITOL BUILDING:

1 Watchman, Land scape Gardner	1,425.00
1 Watchman	1,200.00
3 Watchman (each)	900.00
1 Capitol Electrician	1,500.00

The salaries of the officers and employees of the office of the State Fire Marshall shall be as follows:

Fire Marshall	3,250.00
4 Deputy Fire Marshalls (each)	1,800.00
Clerk	1,200.00

The salaries of the officers and employees of the Department of Game and Fisheries shall be as follows:

Commissioner	3,600.00
Secretary	1,320.00
Bookkeeper	1,650.00
Superintendent Fish Hatchery	1,500.00
Superintendent of Fish Inves. Surveys	2,000.00
1st Assistant Fish Culture	2,000.00
2nd Assistant Fish Culture	1,800.00

The salaries of the officers and employees of the office of the Geological Survey of Alabama shall be as follows:

State Geologist	3,000.00
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The salaries of the officers and employees of the office of the State Board of Health shall be as follows:

State Health Officer	3,600.00
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The salaries of the officers and employees of the office of the State Highway Commission shall be as follows:

Alabama Highway Director	4,800.00
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The salaries of the officers and employees of the office of the Bureau of Insurance of the State of Alabama shall be:

Superintendent of Insurance	3,000.00
Deputy Superintendent of Insurance	2,400.00
Compensation Clerk	2,000.00
Chief Clerk	1,500.00
License Clerk	1,200.00
Record and Filing Clerk	1,140.00

The salaries of the officers and employees of the Military Department of the State of Alabama shall be as follows:

Adjutant General	3,000.00
2 Clerks (each)	1,200.00
1 Stenographer	1,200.00

U. S. Property and Disbursing Officer	3,000.00
(Provided that the annual or monthly salary paid the U. S. Property and Disbursing Officer by the U. S. Government shall be deducted from said \$3,000.00 in fixing the annual monthly State pay of this employee.)	
State Property and Disbursing Officer	2,000.00
Disbursing Officer	1,800.00
Property Officer	1,800.00
Personnel Clerk	600.00
Disbursing and Property Clerk	1,200.00

The salaries of the officers and employees of the Inspector of Coal Mines shall be as follows:

Chief Mine Inspector	2,800.00
4 Associate Mine Inspectors (each)	2,000.00
Chief Clerk	1,800.00
Stenographer	1,200.00

The salaries of the officers and employees of the Alabama Public Service Commission shall be as follows:

President	3,600.00
2 Associate Commissioners (each)	3,000.00
Secretary	2,400.00
Recording Clerk	1,500.00
Chief Engineer	3,600.00
Assistant Engineer	3,000.00
Assistant Engineer	2,400.00
Assistant Engineer	2,160.00
Service Engineer	2,100.00
Stenographer and Special Reporter	1,500.00
Chief of Bureau of Transportation	3,600.00
Rate Clerk	1,680.00
Executive Rate Clerk	1,800.00
Assistant Attorney General	2,400.00
Railway and Motor Carrier Accountant	2,400.00
Chief Inspector	2,250.00

The salaries of the officers and employees of the office of State Prison Inspector shall be as follows:

State Prison Inspector	2,400.00
Chief Clerk	1,500.00
Deputy Inspector	1,500.00
Stenographer	1,200.00

The salaries of the officers and employees of the office of the Secretary of State shall be as follows:

Secretary of State	3,600.00
Chief Clerk	2,400.00
Assistant Clerk	1,500.00
2 Stenographers (each)	1,200.00

The salaries of the officers and employees of the office of the State Comptroller shall be as follows:

State Comptroller	3,600.00
Special Assistant	3,000.00
General Bookkeeper	1,800.00
Assistant Bookkeeper	1,200.00
Secretary of the Senate and Clerk of the House of Representatives, as provided for or transferred after adjournment of the Legislature (each)	2,400.00
15 Senior Examiners (each)	2,160.00
15 Junior Examiners (each)	1,500.00
File Clerk	1,200.00
Stenographer	1,200.00
Warrant Clerk	2,400.00

The salaries of the officers and employees of the office of the State Service Commissioner shall be as follows:

Commissioner	2,400.00
Assistant Commissioner	2,000.00
2 Field Commissioners (each)	1,800.00
Secretary to Commissioner	1,200.00
File Clerk	1,200.00

The salaries of the Justices of the Supreme Court and employees of the Supreme Court shall be as follows:

Chief Justice	5,000.00
6 Associate Justices (each)	5,000.00
Clerk	3,000.00
Assistant Clerk	1,800.00
Reporter of Decisions	2,700.00
Librarian	2,250.00
2 Secretaries (each)	1,800.00
1 Secretary	1,500.00
1 File Clerk for Clerk	1,500.00
Assistant Librarian	1,200.00
Stenographer for Reporter	1,020.00

The salaries of the officers and employees of the office of the State Tax Commission shall be as follows:

Commissioner	4,000.00
Secretary	2,100.00
4 Chief Clerks (each)	2,400.00
2 Chief Clerks (each)	2,100.00
Field Agent	2,400.00
3 Clerks (each)	1,500.00
2 Clerks (each)	1,350.00
1 Clerk	1,800.00
5 Tax Agents (each)	2,400.00
5 Tax Agents (each)	1,800.00
16 Tobacco Tax Inspectors (each)	1,800.00
2 Gasoline Tax Agents (each)	1,800.00

The salaries of the officers and employees of the office of the State Treasurer shall be as follows:

Treasurer	3,600.00
Chief Clerk	2,400.00
Bond Clerk	2,100.00
2 Assistant Clerks (each)	1,500.00
Pension Clerk	1,200.00
Stenographer	1,200.00
Utility Clerk	1,200.00

The salaries of the officers and employees of the Alabama Industrial Development Board shall be as follows:

Director	1.00
1st Assistant Director	1.00
2nd Assistant Director	1.00
Stenographer	1.00

The salaries of the officers and employees of the State Commission of Forestry shall be as follows:

State Forester	4,125.00
General Inspector and Chief of Bureau of Field Service	2,400.00
Division Forester and Technical Assistant	2,100.00
Division Forester	1,200.00
Chief Clerk and Accountant	2,400.00
Executive Assistant in Field Service	1,500.00
Executive Assistant in Public Relations	1,500.00

No other employee of said Department or Commission shall be paid more than \$100.00 per month from State Funds. Any portion of the salaries of said officers or employees which may be paid by the United States shall be deducted from the above specified amounts.

Section 3. Nothing herein contained shall repeal any law granting or giving discretion or power to any officer or department of the State of Alabama to discontinue the services of the employees whenever such services are, or may be no longer needed or circumstances or conditions may require or make proper the discontinuance of such services or employment; nor shall this Act be construed to require the employment of any officer or employee appointed by any department or the head thereof.

Section 4. Wherever the duties of more than one office, position, or employment shall be filled, performed or discharged by one officer or employee, such officer or employee shall only receive the salary named for the highest paid office, position or employment so filled, performed or discharged.

Section 5. As to all salaries herein provided for officers or employees not elected or appointed for any term of office and which salaries are subject to reduction now this Act shall become effective on and after the first day of the month succeeding the approval of this Act; and as to all other salaries herein, this Act shall take effect on the first day of the month next succeeding the ratification of any Constitutional Amendment removing or suspending Constitutional restrictions or limitations upon decreasing

or diminishing the salary, fees or compensation of any officer, officers or employees during the term for which they shall have been elected or appointed.

Section 6. The maximum annual salary or compensation which may be paid to any officer or employee of any department, board, or commission of the State, whose salary or compensation is not hereinabove fixed, shall not exceed seventy percent of twelve times the salary paid such officer or employee for the month of September, 1932. Provided, however, that nothing in this Act shall authorize the reduction of any compensation or salary below twelve hundred dollars per annum. Provided, further that this Act shall not operate to increase the present salary of any officer or employee.

Section 7. Provided, however, nothing in this Act shall be construed to prohibit or restrict any officer or employee from receiving any additional salary or compensation from funds derived from the United States or any philanthropic source, except as otherwise specifically provided in this Act.

Section 8. Provided, however, that the compensation of the Secretary of the Senate and the Clerk of the House of Representatives as fixed herein, shall not be construed to amend or reduce their compensation as legislative officers.

Section 9. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 10. If any Section or part hereof is held to be unconstitutional it shall not affect or destroy any other Section or part hereof.

Amend substitute by adding at end of list of employees of Forestry Department the following:

"Land Clerk.....\$1800.00"

An amendment of the Harrison substitute for S. 183.

Amend section 1 of the substitute for S. 183 as follows:

By inserting between line 24 and line 25 on page 11 of said substitute as printed, the following lines:

Assistant Engineer	\$2,400.00
Assistant Engineer	1,980.00
Assistant Engineer	1,980.00
Assistant Engineer	1,500.00

Amend the substitute for S. 183 by adding to Section 1

"The salaries of the officers and employees of the State Docks Commission shall be as follows:

General Manager	\$6,000.00
The salary of no other employee shall exceed.....	3,600.00

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Caffey

Cooper

Craft

Darden

Delony

Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin

Hall
Hildreth
Hubbard
Kelley
Lapsley
Lusk

McDaniel
McDowell
Millsap
Mullins
Powell
Riddle

Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 344. To further regulate, provide for and require bonds of County officials and employees, and clerks, deputies, and employees in County offices; to provide for the fixing and approving of such bonds; and to provide upon what conditions and the manner in which sureties on official bonds may be relieved therefrom.

And requests Committee of Conference, and the Speaker named as Conferees on part of the House, Messrs. Beebe, Bains and Taylor.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDowell, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 344, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as a Committee on Part of the Senate, Messrs. Lusk, Bonner and Scruggs.

CALENDAR BILL, RE-COMMITTED

On motion of Mr. Hubbard, the bill:

H. 315. To further reduce the expenses of the educational department of Alabama by suspending and discontinuing for a period of three years all supervision and directing of elementary and high schools of the State of Alabama that are supported in whole or in part by State funds, and to provide penalties for the violation thereof, and to repeal all conflicting laws or Acts.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Education.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 183. To fix, limit or regulate the salaries and compensation of certain officers and employees of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Report of the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 19. To amend Section 266 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Also:

H. 24. To amend Section Two of an Act entitled "An Act to permit automobile, automobile truck and other motor vehicle licenses and license tags to remain with the automobile, automobile truck or other motor vehicle for which they were purchased, and to be used by the new owner of such automobile, automobile truck or other motor vehicle and to require proper record in the Probate Office and in the State Tax Commissioner's Office of such change of ownership, and to prohibit any motor vehicle license tag being transferred from one motor vehicle to another or being used on any motor vehicle except the one for which it was originally taken out", approved May 23, 1931.

Also:

H. 52. To amend Section 9008 of the Code.

Also:

H. 178. To amend an Act of the Legislature of Alabama, approved September 9, 1927, (General Acts of Alabama of 1927, page 564) to advance the cause of education, etc., by striking therefrom the last thirteen words thereof.

Also:

H. 239. To make the pensions payable to the Confederate Soldiers and Sailors and their widows, as now provided by law, a preferred claim against the State of Alabama; and to provide

that a deficit in the pension fund may be supplemented out of the General Fund and whatever amount is paid out of the General Fund for pensions may be subsequently replaced out of the pension fund if there be a surplus in the pension fund at the end of any fiscal year after all pension claims have been paid, to provide for the partial payment of pensions in the event that there are not funds available to pay same in full.

Also:

H. 179. To amend Section 7 and Section 8 of an Act entitled, "An Act creating and establishing Juvenile courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws, "Approved September 9, 1927, as amended by

an Act to amend the title and Section I of the Act entitled as just set out at length hereinbefore, said amendatory Act being itself approved April 21, 1931.

Also:

H. 247. To amend Section 5 of An Act entitled: "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards," approved February 20, 1931.

Also:

H. 273. To amend Sections 3057 and 3058 of the Code of Alabama of 1923.

Also:

H. 274. To fix the amount of the salary or compensation of the county treasurer of any county in the State having a population of not less than ninety thousand nor more than one hundred and eighty thousand, according to the last or any succeeding Federal Census; to provide for the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special in conflict with the provisions of this Act.

Also:

H. 281. To provide that no Board of Revenue and Road Commissioners, or other like governing body of any county in the State of Alabama having a population of 45,000 or less according to the last or any subsequent federal census shall expend more than \$1,000.00 in any one fiscal year in payment for audits of the books and records of the County made or caused to be made by the authority of the governing body of such County, out of the funds of such county, and to provide a penalty for violation of this Act.

Also:

H. 309. To amend Section 7 of an Act entitled an Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with

elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Also:

H. 320. To authorize, empower and direct the Commissioners' Court of Clay County, or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, or any like governing body of said county to appropriate for the use and benefit of the public schools of Clay County, Ala., to be used in the payment of current expenses or salaries of teachers and bus drivers of the public schools of the county and to school bus operators of the county twenty (20%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several counties of this State, coming to Clay County, Alabama, from such funds under the several Acts of the Legislature of Alabama, such appropriation to be paid monthly to the person, officer or officers entitled to receive public funds for distribution or payment to the public school teachers and school bus operators of said county, and to continue such appropriation until September 1st, 1935, for the use and benefit of the public schools of the county; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Also:

H. 321. To vest the Circuit Court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single.

Also:

H. 337. To amend Section 7409 of the Code of Alabama, 1923.

Also:

H. 449. To provide that in all counties in this State having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal census, the Tax Assessor must each year make an Assessment Book; to describe the contents of said Book; and to provide that the cost of said Book shall be paid by the governing body of such counties and shall be a preferred claim against the county; and to provide for the repeal of all laws in conflict herewith; and to provide when this Act shall go into effect.

Also:

H. 441. To provide for the appointment or election of a bailiff to attend the sessions and serve the Grand Jury of the Circuit Court

in all counties of the State having a population of more than 200,000, according to the last or any subsequent Federal census, and to fix the compensation for such bailiff and to provide the manner of payment thereof.

Also:

H. 454. To amend an act entitled, "An Act to amend Section 12 of an act 'relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama,' approved September 13, 1923," approved October 10, 1932.

Also:

H. 457. To further provide for and regulate and control the nomination by political parties of candidates for the office of circuit judge in all judicial circuits in Alabama which now have or may hereafter have a population of three hundred thousand or more according to the last or any subsequent Federal census; and to provide that when more than one candidate is to be nominated for the office of Circuit Judge in such circuits, the positions to be filled shall not be numbered on the official ballot in any Primary Election held for such nominations and the persons who seek said nominations shall not be required to designate or specify any particular judgeship or division of said court to which such persons seek nominations.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 456. To officially designate October 12th as a holiday to be known as Columbus Day and Fraternal Day, and to abolish what is now designated as Fraternal Day.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Barber:

H. J. R. 118. WHEREAS, the shortest, safest and best connection between the Great Lakes and the Gulf of Mexico would be provided by connecting the Warrior River to the Tennessee River,

AND WHEREAS, such connection would avert flood damages on the Tennessee and Warrior, provide potential sources for industrial water supply, provide an outlet for Alabama coal in markets now beyond reach, make the steel producing center of Alabama five hundred miles closer to the Great Lakes and western shipping points by water than present competing steel producing centers,

AND WHEREAS, Alabama has more navigable waterways than any state in the Union and such a connection would connect Alabama with the National Waterways System and the Great Lakes,

AND WHEREAS, such a connection would stimulate the commercial and agricultural development of the vast territory affected.

AND WHEREAS, it is the policy of this State to encourage and assist the development of its natural resources and improvement of its waterways,

NOW THEREFORE, be it resolved by the House of Representatives of Alabama, the Senate concurring, that the several governmental departments and agencies and the people of Alabama be memorialized to aid and assist in the development of our waterways and the accomplishment of a water connection between the Warrior and Tennessee Rivers.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Craft, H. J. R. 118, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and ordered same sent forthwith to the Senate:

By Mr. Haley:

H. J. R. 119. WHEREAS, the Federal Government's plant at Muscle Shoals, Alabama was originally constructed for the purpose of manufacturing wartime supplies and will undoubtedly be used for this purpose in the event of war,

WHEREAS, said plant at Muscle Shoals, Alabama will presently resume operations for the manufacture and output of peacetime necessities, and

WHEREAS, the nearest seaport to the said Muscle Shoals District is located at Mobile, Alabama.

THEREFORE, BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING THEREIN, that the Federal Government construct a thirty foot highway from said district to the City of Mobile which will greatly increase transportation facilities from the said district to the sea in case of war and which will enable a more economical method of collecting and dispatching mails in time of peace.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Secretary of War and to members of Congress. The Governor of Alabama is hereby instructed to dispatch same.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 119, set out in the foregoing Message from the House, was concurred in and adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Edmundson, the Senate indefinitely postponed further consideration of the bill:

H. 39. To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

On motion of Mr. Lusk, the Senate indefinitely postponed further consideration of the bill:

H. 446. To amend Section 6742 of the Code of Alabama.

BILLS ON THIRD READING

The bill:

H. 405. To amend an Act approved June 29th, 1931, entitled an Act "To provide in all Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, for an action of ejectment to recover possession of real property and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser, so as to change the population basis to include all Counties having a population of 90,000 or more, according to the last or any subsequent Federal census."

Was read a third time at length and passed.

Yeas, 30; nays, 0.

*Yeas:**Messrs.:***Bartlett****Beasley****Bonner****Brown****Caffey****Cooper****Craft****Darden****Delony****Duncan****Faulk****Fletcher****Garrett****Goodwin****Hall****Hildreth****Hooton****Hubbard****Kelley****Lapsley****Lusk****McDaniel****Millsap****Mullins****Powell****Riddle****Scruggs****Shepherd****Walker****Warren**

—30

The bill:

H. 54. In reference to and to further provide for the general revenue of the State of Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 10.

*Yeas:**Messrs.:***Bartlett****Beasley****Brown****Caffey****Cooper****Cowart****Craft****Darden****Duncan****Garrett****Goodwin****Hubbard****Kelley****McDaniel****Millsap****Powell****Riddle****Scruggs****Shepherd****Teasley****Walker****Warren****Wikle**

—23

*Nays:**Messrs.:***Bonner****Edmundson****Faulk****Fletcher****Hall****Hildreth****Lapsley****Lusk****McDowell****Mullins**

—10

The bill:

H. 399. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

Was read a third time at length and passed.

Yeas, 27; nays, 1.

*Yeas:**Messrs.:***Beasley****Bonner****Caffey****Cowart****Craft****Darden****Delony****Duncan****Fletcher****Goodwin****Hall****Hildreth****Hubbard****Kelley****Lapsley****Lusk****McDaniel****McDowell****Millsap****Mullins****Powell****Riddle****Shepherd****Teasley****Walker****Warren****Wikle**

—27

Nays: Mr. Scruggs

— 1

The bill:

H. 28. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hall		

—30

The bill:

H. 29. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Brown	Fletcher	Lapsley	Scruggs
Caffey	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

The bill:

H. 34. To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama in Equity, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Powell
Brown	Edmundson	Kelley	Riddle
Caffey	Fletcher	Lapsley	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	Wikle
Craft	Hall		

—30

The bill:

H. 40. To fix the compensation or salary of the Judges of the Municipal Court of Birmingham, Alabama, and to regulate the payment thereof.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Kelley	Riddle
Caffey	Fletcher	Lapsley	Scruggs
Cooper	Garrett	Lusk	Shepherd
Cowart	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth		

—30

The bill:

H. 466. To aid relief of unemployment or destitution through relocation on farm or truck lands or other lands, by authorizing the respective Judges of Probate to accept title to lands within their respective counties, subject to a plan or program approved as provided by the Act; to make provision as to exemption from taxation, licenses and fees, in furtherance of such plan or program; and for the release of lands therefrom.

Was read a third time at length and passed.

. Yeas, 21; nays, 1.

Yeas:

Messrs.:

Beasley	Garrett	Kelley	Mullins
Bonner	Hall	Lapsley	Tasley
Caffey	Hildreth	Lusk	Walker
Craft	Hooton	McDaniel	Warren
Darden	Hubbard	McDowell	Wikle
Delony			

—21

Nay: Mr. Faulk

— 1

The bill:

H. 389. To authorize and empower Boards of Revenue, Courts of County Commissioners, and governing bodies of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, to expend annually out of the general funds of the respective counties a sum of not exceeding six thousand dollars per annum towards the establishment, equipment, operation and maintenance of a radio broadcasting station now or hereafter established, where such radio broadcasting station is to be used to aid in the suppression of crime, the detection of criminals and the enforcement of the criminal laws of the State.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Caffey	Craft	Duncan
Beasley	Cooper	Darden	Faulk
Bonner	Cowart	Delony	Fletcher

Garrett
Goodwin
Hall
Hildreth
Hooton

Hubbard
Kelley
Lusk
McDaniel
McDowell

Millsap
Mullins
Powell
Riddle

Scruggs
Shepherd
Walker
Warren

—30

The bill:

H. 445. To amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

Was taken up.

Mr. Teasley offered the following substitute for said bill, to-wit:

Substitute for H. 445:

A BILL

To be entitled An Act to amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

Be it enacted by the Legislature of Alabama:

SECTION 1. That Section 1 of the Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," be, and the same hereby is amended so as to read as follows:

"Section 1. That in addition to all other taxes of every kind now imposed by law and which are not specifically repealed by this Act, every person, firm, corporation, club or association, within the State of Alabama, who sells and/or stores and/or receives for the purpose of distribution to any person, firm, corporation, club or association within the State of Alabama cigars, cheroots, stogies, cigarettes, smoking tobacco, or any substitute therefor, either or all, shall pay to the State of Alabama for State purposes only a license or privilege tax which shall be measured by and accordance with the volume of sales of such person, firm, corporation, club or association in Alabama. There is hereby levied license or privilege taxes on articles containing tobacco enumerated in this Section the following amounts:

(1) Little Cigars:—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, One cent for each ten cigars, or fraction thereof

(2) Cheroots, Stogies, Etc. Upon cigars of all descriptions made of tobacco or any substitute therefor, retailing for Three Cents each or less, One Dollar per thousand.

(3) Cigars: Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than Three Cents each and not more than Five Cents each, Two Dollars per thousand.

(4) Cigars: Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than Five Cents each and not exceeding Eight Cents each, Three Dollars per thousand.

(5) Cigars: Upon cigars of all description made of tobacco, or any substitute therefor, retailing for more than Eight Cents each and not exceeding Ten Cents each, Five Dollars per thousand.

(6) Cigars: Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than Ten Cents each and not exceeding Twenty Cents each, Ten Dollars per thousand.

(7) Cigars: Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than Twenty Cents each, Thirteen Dollars and Fifty Cents per thousand.

(8) Cigarettes: Upon all cigarettes made of tobacco or any substitute therefor; upon each package retailing for Five Cents, or less, One Cent; upon each package retailing for more than Five Cents each, an additional One Cent for each Five Cents or fractional part thereof of the retail selling price in excess of Five Cents.

(9) Smoking Tobacco: Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette; upon each package retailing for Five Cents, or less, One Cent; upon each package retailing for more than Five Cents each, an additional One Cent for each Five Cents or fractional part thereof of the retail selling price in excess of Five Cents.

(a) Whenever in this Section the word "retail" or "Retailing" is used as the basis for computing the tax herein levied, it shall be taken to mean the retail selling price at which a majority of the retail dealers in Alabama sell at retail the articles or commodities mentioned. In determining what the retail selling price of the majority of the dealers in Alabama is for such articles or commodities, any retailer operating or being concerned in more than one retail establishment, shall be counted as one dealer without reference to the number of retail stores or establishments such dealer operates or is concerned in.

(B) When the retail or selling price is referred to in this Act as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the article before adding the amount of the tax.

(C) When any articles or commodities subject to tax in this Act are given as prizes on punch boards, shooting galleries, etc., the tax shall be based on the ordinary selling price of such articles.

(D) The tax herein levied shall be paid through the use of stamps herein provided for. Stamps in denominations to the amount of the tax shall be affixed to the box or other container from or in which tobacco products taxed by this Act, are normally

sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and, in case of cigars, cheroots, and like manufactured tobacco products, where sales are made from the original container, the stamps shall be fixed in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, smoking tobacco and like products, sold by retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package."

SECTION 1-a. That when used in the following sections of this Act, the term "person" or the term "company" herein used interchangeable, includes any individual, firm, co-partnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "Commission" or "Commissioner" means the State Tax Commission of the State of Alabama. The term "tax year" or "taxable year" means the calendar year. The term "gross sales" includes the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The term "gross receipts" means the value proceeding or accruing from the sale of tangible, personal property, including merchandise and commodities of any kind and thereafter, and all receipts actual and accrued, by reason of any business engaged in, (not including, however, interest, discounts, rentals or royalties) and without any deduction on account of the cost of the property sold, the cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The term "wholesaler" or "Jobber" as used in this Act shall be used only by a person doing a regularly organized wholesale or jobbing business, known to the trade as such, and selling for resale to licensed retail merchants. (a) A person operating two or more retail stores or mercantile establishments within this State, under the same ownership, supervision or management, shall not be included within the meaning of the term "wholesaler" or "jobber" under this Act. The term "retailer" means any person who sells goods, wares or merchandise to other persons for the purpose of consumption or use and who are not included in the meaning of the term wholesaler as herein defined. Sales "at wholesale" or "wholesale sales" shall mean sales made in carload lots or in quantities commonly known to the trade as sales made at wholesale. Sales "at retail" or "retail sales," commonly known to the trade as such, shall mean sales made in less than carload lots and which sales are commonly known to the trade as "retail sales." The word "business" as used in this Act, shall include all activities engaged in, or caused

to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

Section 1-b. That on and after the first day of May 1933, there is hereby levied, in addition to all other taxes of every kind now imposed or otherwise imposed by this Act, and shall be collected for as herein provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

Section 1-c. Upon every person, firm or corporation engaged or continuing within this State in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including however, bonds or other evidences of debt or stocks) an amount equal to 2% of the gross proceeds of sales of the business.

Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sale of each business, and when his books are not so kept he shall pay the tax as a retailer; and provided, further, that any such person engaging or continuing in business as a retailer and a wholesaler or jobber shall pay the tax as a retailer on the gross proceeds of sales derived from all sales made by him to any person other than a licensed merchant.

Section 1-d. Upon every person, firm or corporation engaged in or continuing within this State in the business of conducting places of amusement and/or entertainment, billiard and pool rooms, bowling alleys, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, football and baseball games, skating rinks, race tracks, golf courses, or any other place at which amusement or entertainment is offered to the public, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount to be equal to 2% of the gross receipts of any such business.

Section 1-e. Upon every person, firm or corporation engaging or continuing within this State in the business of conducting collection agencies, commercial or mercantile agencies, hotels, restaurants, cafes, insurance and real estate agencies, laundries, toll bridges or ferries, there is hereby levied a privilege or license tax, an amount equal to 2% of the gross receipts of any such business.

Section 1-f. There shall be excepted from the gross receipts of sales so to be taxed so much thereof as is derived from busi-

ness conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America.

Section 1-g. **MUST OBTAIN LICENSE FROM THE COMMISSIONER**—If any person on and after the first day of May 1933, shall engage or continue in any business for which a privilege tax is imposed by Sections 1-c, 1-d, and 1-e, of this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commission, upon the payment of the sum of One Dollar, a license to engage in and to conduct such business for the current tax year, upon the condition that he shall pay the tax accruing to the State of Alabama, under the provisions of this Act; and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually and shall expire on the 31st day of December of each calendar year, provided that where any person, firm, or corporation has obtained a license or permit from the State Tax Commission as provided under an Act "Requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Tax Commission in connection therewith, and prescribing penalties for the violation thereof, "approved July 7, 1931, shall not be required to obtain a license or permit under this Act.

Section 1-h. **CERTAIN PERSONS EXEMPT FROM PROVISIONS.** There are, however, exempted from the provision of this Act.

"(a) Insurance companies which pay the State of Alabama a tax under premiums levied under the provisions of the laws of the State.

"(b) Building and Loan Associations, State and National Banks, and Mutual Savings Banks, not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors.

"(c) Labor, agricultural and horticultural Societies and organizations not operated for profit; and sales made by persons who produce live stock, poultry and other products of farm, grove or garden, whether said sales be made by the producer or members of his immediate family, or employees forming a part of the producer's organization, in the original state or condition of preparation for sale, and sales of fertilizers, seeds, boxes and/or crates, for use in preparing agricultural products for market; cemetery associations and companies which are organized and operated exclusively for the benefit of their members; fraternal benefit societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself,

operating under a lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; corporations, association or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; business leagues, chambers of commerce, boards of trade, civic league, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare; one of which companies, organizations, corporations or societies, named in clause (c) of this section are organized for profit and no part of the income of which inures to the benefit of any private stockholder or individual.

"(d) Amounts received under life insurance policies and contracts paid by reason of the death of the insured.

"(e) Amounts received (other than amounts paid by reason of death of the insured) under life insurance endowment or annuity contracts, either during the term or at maturity, or upon surrender of the contract, equal to the total amount of premiums paid thereon.

"(f) Amounts derived from the sale of school books where the sale price is fixed by state contract.

"(g) Amounts received by hospitals, infirmaries and/or sanitariums.

"(h) Provided, however, that the provisions of 1-c, 1-d, and 1-e of this Act shall not apply (a) to sales of newspapers and agricultural and religious publications, or to the sale of advertising space in said newspaper or publication, or to those engaged in making such sales, (b) or to sales of gasoline, and lubricating oils, otherwise taxed or to cigars, cigarettes and tobacco or tobacco products otherwise taxed under this Act, or cereal beverages upon the sale of which a tax is now otherwise levied and collected as provided by law; or those engaged in making such sales, (c) or to persons, firms or corporations, on whom, or for engaging in the business which, a privilege tax is levied by or under the provisions of 2-a, 2-b, 2-c, 2-d, 2-e, 2-f, 2-h and 2-i of Section 2 of an Act approved July 22, 1927, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," or to an street railway or to any public utility selling gas, electricity or water or any utility engaged in transportation.

"Nothing in this Act shall be construed as levying any tax upon the gross proceeds received from the sale of any cotton or seed cotton or lint cotton or baled cotton whether compressed or not or cotton seed in its original condition."

Section 1-i. The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th day of the month make out a return, showing

the amount of the tax for which he is liable, for the preceding month, and shall mail the same together with a remittance, in the form required by Section 1-v of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

Provided, however, that any person taxable under this Act, having cash and credit sales, may report such cash and credit sales separately and upon making application therefor may obtain from the Commission an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted by the Commission under such rules and regulations as the Commission may prescribe. When such extension is granted the taxpayer shall thereafter include in each monthly report, all collections made during the month next preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in determining the measure of the tax to be paid until collection of such credit sales shall have been made.

Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars for any month, a quarterly return and remittances in lieu of the month return may be made on or before the 15th day of the month next succeeding the end of the quarter for which the tax is due.

Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars; in any quarter year he shall not be required to make either monthly or quarterly returns, but an annual return and remittance shall, be required, under rules and regulations to be prescribed by the Commission, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing any such return shall not be extended beyond the 15th day of the month next succeeding the regular due date of such return.

Section 1-j. RETURNS TO BE MADE—WHEN—HOW MADE. On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under Sections 1-c, 1-d, and 1-e of this Act shall make a return showing the gross proceeds of sales, or gross receipts of business, and compute

the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section 1-v of this Act covering the residue of the Tax chargeable against him to the office of the Commission; such return shall be verified by the oath of the tax payer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, any individual delegated by such firm, co-partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit shall make the oath on behalf the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The Commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section 1-k. COMMISSION TO CORRECT ERROR. As soon as practicable after the return is filed the Commission shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be credited against the subsequent payment; and if the amount already paid exceeds the correct amount of the tax, the excess shall be credited or refunded to the payer in accordance with the provisions of this Act.

If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credits under this Act, together with interest thereon at the rate of one-half of one percent per month from the time the tax was due shall be paid upon notice and demand by the Commission.

If any part of the deficiency is due to negligence or intentional disregard to authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added as damages, ten percent of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of one percent per month on the amount of such deficiency in the tax from the time it was due, which interest and damages shall become due and payable upon notice and demand by the Commission.

If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as damages not more than one Hundred per cent of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added, shall become due and payable upon notice and

demand by the Commission, and an additional one percent per month on the tax shall be added from the date such tax was due until paid.

Section 1-l. TAXPAYER MUST KEEP RECORDS—FAILURE TO MAKE RETURNS DUTY AND POWER OF COMMISSION. It shall be the duty of every person engaging or continuing in this State in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records or the gross receipts and/or gross receipts of sales of such business and such other books or account as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every such person to keep and preserve, for a period of two years, all invoices of goods and merchandise purchased, for resale, and all such books, invoices and other records shall be open for examination at any time, by the Commission or his duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct for the purposes of this Act, and the amount of tax shown due thereby shall be a lien against all the property of the taxpayer until discharged by payment and if payment be not made within thirty days after demand therefor by the Commission, there shall be added not more than one hundred percent as damages together with interest at the rate of one per cent per month on the tax from the time such tax was due. If such tax be paid within thirty days after notice by the Commission, then there shall be added ten percent as damages and interest at the rate of one percent from the time such tax was due until paid; provided, however, in the event such taxpayer in answer to said notice from the Commission shall investigate that question fully before proceeding further under this Section.

Section 1-m. TAX SHALL BE LIEN.—The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out the return provided for under Section 1-j within thirty days after the date he sold out his business, or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold

purchase money as above provided and the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

SECTION 1-n. AGGRIEVED PERSON MAY FILE PETITION.—If any person having made the return and paid the tax as provided by this Act, feels aggrieved by the assessment made upon him for any year by the Commission, he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and a correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth the reasons why such hearings should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner. Any person improperly charged with any tax and required to pay same, may recover the amount paid, together with interest, in any proper action or suit against the Commission, and the Circuit Court of the county in which the taxpayer resides or is located shall have original jurisdiction of any action to cover any tax improperly collected. It shall not be necessary for the taxpayer to protest against the payment of the tax or to make any demand to have the same refunded in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

Either party to such suit shall have the right to appeal to the Supreme Court of Alabama as now provided by law. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Auditor, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the State Treasurer in favor of such taxpayer to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act, or to restrain the enforcement of this Act.

It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employee, and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission and in which they or either of them may become

involved, upon the order and under the direction of the Commission.

SECTION 1-o. WARRANT FOR COLLECTION OF TAX—TAX SHALL CONSTITUTE DEBT DUE STATE. (a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of 10% of the tax in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. The sheriff shall within five days after the receipt of the warrant, file with the circuit clerk of his county a copy thereof, and thereupon the circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued; and the day when such copy is filed; and thereupon the amount of such warrants so docketed shall become a lien upon the title to and interest in real and personal property, including choses in action, except negotiable instruments not past due, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall levy upon any property of the taxpayer, including negotiable instruments, in all respects, with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attached proceedings, of a court of record and the remedies by garnishment shall apply and the officer shall be entitled to the same fees for his services in executing the warrant as now allowed by law for like services, to be collected in the same manner as now provided by law for like services.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the property of the taxpayer except negotiable instruments not past due and the same shall be collected together with an additional ten percent of the amount of the tax and penalties imposed for failure to make or for making a fraudulent return, and the cost of collection, if paid within thirty days, after the date it was due, and an additional two percent of the amount of the tax for each succeeding thirty days elapsing before the tax shall have been paid; provided, however, that the additional two percent

penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any district attorney at the request of the Commission and/or the attorney for the Commission, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of this Act, until the taxes shall have been paid and until such person shall have complied with the provisions of this Act, and such attorneys shall prosecute violations of criminal provision of this Act upon the request of the Commission.

Section 1-p. ANNUAL RETURN—WHEN TO BE MADE. The assessment of taxes herein made and the returns required therefor shall be for the year ending on the 31st day of December; provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Section 1-q. IS ADDITIONAL TAX. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided. But no municipality or county shall be authorized to levy and tax by virtue of the provision of this Act.

Section 1-r. LETTERS IN REPORT NOT TO BE DIVULGED. Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking, comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Section 1-s. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another State and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this Act against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section 1-t. UNLAWFUL TO REFUSE TO MAKE RETURNS. PENALTY. It shall be unlawful for any person to fail or refuse to make the return provided to be made in Sections 1-i and 1-j of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any books, paper, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction, thereof shall be fined not more than Five Hundred Dollars or imprisoned not exceeding six months in the county jail or punished by both such fine and imprisonment, at the discretion of the court within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and, on convictions thereof, shall be punished in the manner provided by law. Any company for which a false return, or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred Dollars.

Section 1-u. ADMINISTRATION OF ACT VESTED IN THE STATE TAX COMMISSION. The administration of this Act is vested in and shall be exercised by the State Tax Commission except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any district attorney, or any attorney for the Commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only upon the approval of the Governor; but the district attorney or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. The State Tax Commission shall appoint, as needed such agents, clerks and ste-

nographers as authorized by law, who shall serve under him, shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the Commission as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of Five Thousand Dollars for the faithful discharge of his duties. All of such agents, clerks and stenographers may be removed by the State Tax Commission for cause of which the Commission shall be final judge.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not wilful or flagrant.

Section 1-v. COMMISSION TO MAKE REGULATIONS. The Commission shall from time to time promulgate such rules and regulations for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

Section 1-w. COMMISSION MAY EXAMINE BOOKS, ETC. The Commission may examine books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections 1-i and 1-j of this Act, and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oath to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Commission, or shall refuse to testify or answer any material question or to produce any book, record, paper, or other data when required to do so, such failure or refusal shall be reported to the Attorney General, or the District Solicitor, who shall thereupon institute proceedings in the Chancery Court of the county where such witness resides to compel obedience to any summons of the Commission officers who serve summonses or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section x. EXCESS PAYMENT—REFUND. If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any balance of such excess at the end of the year and upon the filing of its annual return, shall be immediately refunded to the taxpayer by certificate of overpayment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Auditor shall issue his warrant on the

Treasurer, which warrant shall be payable out of any funds appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the court issuing such order or decree.

Section 1-y. All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes and all privilege or license taxes collected under the provisions of Section 1-c, 1-d and 1-e of this Act are hereby appropriated, and shall be distributed as follows, viz: The expenses of administration of this Act shall be the first charge against the proceeds of said taxes levied under Sections 1-c, 1-d and 1-e of this Act. The next Million and One-half Dollars, or so much thereof as may be necessary to supplement other revenues pledged specifically for that purpose is hereby appropriated, and shall be set apart to pay the interest and sinking fund of Five Hundred Thousand Dollars for the retirement of warrants and/or other instruments issued, or to be issued to pay the floating debt of the State as of September 30, 1932. The next Five Hundred Thousand Dollars is appropriated and set apart to the elementary schools of the State, same to be distributed to the school authorities of the several counties by the State Superintendent of Education, according to population as shown by the last or any succeeding Federal census, and the balance of the proceeds of said taxes is hereby appropriated to the special educational trust fund.

Section 1-z. The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce the collection of all delinquent privilege and license taxes levied under this Act, and shall have all the power and authority in enforcing and provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 2. Any and all expenses incurred by the State Tax Commission in the administration of this Act, including the supervision, auditing, clerical and field service, all salaries to be fixed by the Commission with the approval of the Governor, shall be paid out of the money collected under the provisions herein, and the sum of Ten Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license tax as hereinbefore provided. As soon as a sufficient amount of

license taxes shall have been collected under the provisions of 1-c, 1-d, and 1-e of this Act, the Ten Thousand Dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the General Fund.

Section 3. INVALIDITY OF PART OF ACT NOT TO INVALIDATE ENTIRE ACT. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. That Section 1 of this act shall be retroactive and effective as of November 21, 1932.

Section 5. That Sections 1-a, 1-b, 1-c, 1-d and 1-e of this Act shall take effect and be in force after April 30, 1933, but being an emergency revenue measure, shall expire and stand repealed on September 30th, 1935.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act be and the same hereby are repealed.

Mr. Hildreth offered the following amendment to said substitute, to-wit:

Amend Substitute for H. 445 as follows:

1. By striking therefrom Sections 4 and 5 and substituting in lieu thereof the following:

"Section 4. This Act shall be submitted to the people of Alabama for their approval at an election to be held on the first Tuesday after the expiration of ninety days from the final adjournment of this session of the Legislature, and there shall be submitted to the people at said election the following question: Shall the so-called Sales Taxes as provided in House Bill No. 445 become effective?"

Yes_____ No_____

And the ballots thereon shall be canvassed and result announced as in the case of Constitutional Amendments; and if a majority of the people shall at said election vote in favor of said sales Tax bill, (House Bill No. 445) then the same shall become effective immediately upon the declaration of the result of said election, otherwise said Act shall be null and void.

Mr. Riddle moved to lay said amendment on the table, which motion was lost.

Yeas, 17; nays, 18.

Yeas:

Messrs.:

Beasley

Caffey

Cowart

Craft

Darden

Edmundson

Fletcher

Goodwin

Hubbard

Lapsley

Millsap

Powell

Riddle	Walker	Warren	Wikle	
Teasley				—17

Nays:

Messrs.:				
Bartlett	Duncan	Hooton	McDowell	
Bonner	Faulk	Kelley	Mullins	
Brown	Garrett	Lusk	Scruggs	
Cooper	Hall	McDaniel	Shepherd	
Delony	Hildreth			—18

And the amendment offered by Mr. Hildreth was then put upon its adoption and lost.

Yeas, 16; nays, 18.

Yeas:

Messrs.:				
Bartlett	Faulk	Hooton	McDowell	
Bonner	Garrett	Kelley	Mullins	
Delony	Hall	Lusk	Scruggs	
Duncan	Hildreth	McDaniel	Shepherd	
				—16

Nays:

Messrs.:				
Beasley	Darden	Lapsley	Teasley	
Caffey	Edmundson	Millsap	Walker	
Cooper	Fletcher	Powell	Warren	
Cowart	Goodwin	Riddle	Wikle	
Craft	Hubbard			—18

The question then recurred on the adoption of a substitute offered by Mr. Teasley, and said substitute was lost.

Yeas, 17; nays, 18.

Yeas:

Messrs.:				
Beasley	Delony	Hubbard	Riddle	
Caffey	Edmundson	Lapsley	Teasley	
Cooper	Fletcher	Millsap	Warren	
Cowart	Goodwin	Powell	Wikle	
Craft				—17

Nays:

Messrs.:				
Bartlett	Faulk	Kelley	Mullins	
Bonner	Garrett	Lusk	Scruggs	
Brown	Hall	McDaniel	Shepherd	
Darden	Hildreth	McDowell	Walker	
Duncan	Hooton			—18

And sail bill, H. 445, was then read a third time at length and passed.

Yeas, 26; nays, 5.

Yeas:

Messrs.:			
Bartlett	Caffey	Cowart	Darden
Beasley	Cooper	Craft	Delony

Duncan	Kelley	Millsap	Teasley
Fletcher	Lapsley	Powell	Walker
Garrett	Lusk	Riddle	Warren
Goodwin	McDaniel	Shepherd	Wikle
Hubbard	McDowell		

—26

Nays: Messrs. Bonner, Faulk, Hall, Hildreth and Hooton

— 5

Mr. Scruggs moved that the vote by which said bill was passed be reconsidered, which motion was lost and the Senate refused to reconsider said vote.

RECESS

At 1:30 P. M., on motion of Mr. McDaniel, the Senate took a recess until 3:30 this afternoon.

AFTERNOON SESSION—THIRTIETH DAY

Friday, April 14th, 1933.

The Senate re-assembled at 3:30 o'clock P. M., Lietutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Kelley	Riddle
Bonner	Faulk	Lapsley	Scruggs
Caffey	Fletcher	Lusk	Shepherd
Cooper	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hall	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

RESOLUTION

The Rules Committee reported the following Senate resolution:

S. R. 65. Resolved by the Senate, that H. 338 be engrossed and put on its third reading at 5:30 and that all amendments be filed and a vote be then taken on the pending amendments and the bill.

Resolved further that the Senate stay in session until said vote is taken.

Mr. Hildreth offered the following amendment to said resolution, to-wit:

Amend S. R. 65 by changing the time to 11:30 P. M. instead of 5:30.

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 19; nays, 13.

Yeas:

Messrs.:

Beasley
Caffey
Cooper
Craft
Darden

Delony
Edmundson
Fletcher
Goodwin
Hubbard

Lapsley
Millsap
Mullins
Powell
Riddle

Teasley
Walker
Warren
Wikle

—19

Nays:

Messrs.:

Bartlett
Bonner
Duncan
Faulk

Garrett
Hall
Hildreth

Kelley
Lusk
McDaniel

McDowell
Scruggs
Shepherd

—13

And said resolution was then adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay to all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Bank and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

Also:

S. 208. To provide for the issuance of one or more classes of preferred stock by any incorporated bank, trust company or savings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

Also:

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of Sections 3023, 3024, and 3025 of the Code of Alabama of 1923.

Also:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 58. Declaring the intent of the Legislature with reference to the provisions of the Act passed by the Legislature on March 28th, 1933, notwithstanding its return by the Governor, relating to the holding of a convention for the ratification or rejection of the 21st amendment to the Constitution of the United States.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested.

H. 28. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

Also:

H. 29. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Also:

H. 34. To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama in Equity, and to regulate the payment thereof.

Also:

H. 40. To fix the compensation or salary of the Judges of the Municipal Court of Birmingham, Alabama, and to regulate the payment thereof.

Also:

H. 54. In reference to and to further provide for the general revenue of the State of Alabama.

Also:

H. 389. To authorize and empower Boards of Revenue, Courts of County Commissioners, and governing bodies of like jurisdiction, in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census

which may hereafter be taken, to expend annually out of the general funds of the respective counties a sum of not exceeding six thousand dollars per annum towards the establishment, equipment, operation and maintenance of a radio broadcasting station now or hereafter established, where such radio broadcasting station is to be used to aid in the suppression of crime, the detection of criminals and the enforcement of the criminal laws of the State.

Also:

H. 399. To amend Section 11 of an Act entitled "An Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama" approved October 6, 1932.

Also:

H. 405. To amend an Act approved June 29th, 1931, entitled an Act "To provide in all Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, for an action of ejectment to recover possession of real property and regulate the proceedings in in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser, so as to change the population basis to include all Counties having a population of 90,000 or more, according to the last or any subsequent Federal census."

Also:

H. 456. To officially designate October 12th as a holiday to be known as Columbus Day and Fraternal Day, and to abolish what is not designated as Fraternal Day.

Also:

H. 466. To aid relief of unemployment or destitution through relocation on farm or truck lands or other lands, by authorizing the respective Judges of Probate to accept title to lands within their respective counties, subject to a plan or program approved as provided by the Act; to make provision as to exemption from taxation, licenses and fees, in furtherance of such plan or program; and for the release of lands therefrom.

Also:

H. J. R. 118. To connect the Warrior and Tennessee Rivers, making a connection between the Great Lakes and the Gulf of Mexico, to further benefit Alabama.

Also:

H. J. R. 119. To construct a highway from Muscle Shoals District to Mobile. To increase transportation facilities in case of war, and for a more economical method of collecting and dispatching mails in time of peace.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of Sections 3026, 3024, and 3025 of the Code of Alabama of 1923.

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

S. 208 To provide for the issuance of one or more classes of preferred stock by any incorporated bank, trust company or savings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill and Senate joint resolution with the engrossed and original bill

and resolution, respectively, and finds same correctly enrolled, to-wit:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay to all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

S. J. R. 58. Relative to the provisions in the Act referring to the proposed 21st Amendment to the Constitution of the United States.

T. A. Goodwin,
Chairman.

SIGNING OF BILL AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and resolution, the titles of which are set out in the foregoing Report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 198. To amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of the County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims," so as to make the same read as follows: A BILL TO BE ENTITLED AN ACT To provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County

Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Also:

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the court house may have telephones.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 27. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special, or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith; and to repeal sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683, and 684, of the Code of Alabama of 1923, and all other laws or parts of laws inconsistent with the terms of this Act.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Garrett, the Senate concurred in the following amendment by the House to S. 27, the title of which is set out in the foregoing Message from the House, to-wit:

Substitute for Senate bill No. 27:

A BILL

To be entitled An Act to further regulate the voting of absentee ballots in the State of Alabama: to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates: to provide for and require election officers for handling and tabulating absentee ballots: to provide for the punishment of violations: and to repeal such parts of present laws as are in conflict herewith.

Be it enacted by the Legislature of Alabama;

Section 1. That for every general, special, primary, or municipal election hereafter held in this State, there shall be printed, provided and furnished to the Judge of Probate of the county in which such election is being held, by those charged by law with the duty of furnishing other supplies for said elections, a sufficient number of ballots to be used by absentee voters, which ballots shall bear printed thereon the words "OFFICIAL ABSENTEE BALLOT", and which said ballots, bearing the said printed endorsement, shall also carry, attached thereto and forming a non-detachable part thereof, the printed form of affidavit required by section 410 of the Code of Alabama of 1923, if the election be a general, special, or municipal election, or by section 682 of said code, if the election be a primary election. The said ballot shall be void and shall not be counted if the said affidavit is detached therefrom.

Section 2. In any general, special, or primary election, when the Judge of Probate is a candidate for any office, he shall be disqualified from performing any of the duties in reference to the handling of absentee ballots which are now or may hereafter be required to be performed by him, and all such duties shall be performed by the Sheriff of said county. In the event the said Sheriff is also a candidate in such election, the Judge of Probate shall, at least forty-five days prior to the date of the election, certify said facts to the presiding Judge of the Circuit in which such county is located, and within five days thereafter such circuit judge shall appoint a qualified elector of said county, who is not a candidate for any office, to perform such duties. The Sheriff, or, in the event he is disqualified as herein provided, the person so appointed by the Circuit Judge, is hereby authorized to perform all of the duties, with reference to the handling of absentee ballots, as are now or may hereafter be required to be performed by the Judge of Probate.

Section 3. In case of any municipal election held at a time different from a general state or federal election, the duties with ref-

erence to the handling of absentee ballots which are now required by law to be performed by the Judge of Probate, shall be performed under the same sanctions by the Mayor, or other chief executive officer of the city or town holding the election. But in the event the Mayor, or other chief executive officer of such city or town is a candidate in such election, said duties shall be performed by the clerk, or other officer performing the duties of clerk. In the event the clerk, or other officer performing the duties of clerk is also a candidate in such election, the Board of Aldermen, City Commission, or other like governing body of such city or town shall appoint a qualified elector of such city or town to perform such duties. The said clerk, or other official performing the duties of clerk, if he be not disqualified as herein provided, or the person so appointed by the said governing body of the city or town, is hereby authorized to perform all such duties with reference to the handling of absentee ballots as are now or may hereafter be required to be performed by the Mayor or other chief executive officer of such municipality.

Section 4. In any primary election which may be held in any county in this state, in which the chairman of the executive committee of the political party holding such primary is a candidate for nomination to any office, such chairman shall be disqualified from performing any of the duties with reference to the handling of absentee ballots which are now required to be performed by him. Such chairman who is thus disqualified shall, at least forty-five days prior to the date of such primary, certify to the presiding judge of the circuit court of the county the fact that he is so disqualified, and within five days thereafter, said circuit judge shall appoint a qualified elector of such county, who is a member of the political party holding such primary, and who is not a candidate, to perform such duties. The person so appointed by said Judge as provided in this section is hereby authorized to perform all duties, with reference to the handling of absentee ballots in such primary, which are now or may hereafter be required to be performed by the chairman of the political party holding such primary.

Section 5. In addition to the managers and clerks now provided under the laws of this state for elections, there shall be, for all future elections, whether primary, general, special, or municipal, appointed at the same time and in the same manner by the appointing board of the county or city, three managers, two clerks, and a returning officer, who shall meet in the office of the Judge of Probate of the county, (or, except in the case of municipal elections, in a place to be designated by the appointing board) on the day of said election and remain, as officers at other polling places, for the purpose of receiving the ballots of absentee voters from the Judge of Probate, or other person authorized to handle them as provided herein. The absentee ballots cast as provided by law shall be, by said election officers specified in this section, tabulated separately by

precincts, and returns thereof made as now provided by the laws governing the conduct of elections. The managers, clerks, and returning officer provided for in this section shall be governed in all respects in the performance of their duties by the laws governing all elections, and shall be subject to the same penalties as other election officers. Provided, however, that the officers appointed under the provisions of this section may begin tabulating said absentee ballots as soon as they are received by them from the person authorized to deliver same. Provided further, that this section shall not apply to municipal elections in cities and towns whose population is less than 10,000 inhabitants.

Section 6. On the date of any general, special, or municipal election, as soon as the polls are open, the Judge of Probate, or person acting in his stead in the case of general or special elections, or the chairman of the political party holding the primary, or person acting in his stead in the case of primaries, or the mayor or other chief executive officer or person acting in his stead in the case of municipal elections, shall deliver all absentee ballots received to the election officers appointed under section 5 of this Act. Provided, that in municipal elections in cities and towns of less than 10,000 inhabitants, such ballots shall be delivered to the election officers of the precincts of the respective voters, as now provided by law.

The said Judge of Probate, Chairman of the executive committee of a political party holding a primary, Mayor, or other chief executive officer (except in cities and towns of less than 10,000 inhabitants) shall, on the date of the election, deliver to the election officers of each polling place of the county or city, a list showing the names and addresses of each and every person whose name appears on the official voters list in such polling place or precinct, who voted an absentee ballot.

Section 7. Any Judge of Probate, Chairman of the Executive Committee of a political party, Mayor or other chief executive officer of a municipality, or any person acting in his or their stead, as herein provided, who shall deliver or cause to be delivered an absentee ballot to any absentee voter without first receiving a written application therefor signed by the voter, or any person other than the duly authorized election officers who shall open an envelope knowing it to contain an absentee ballot. Shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$50.00, nor more than \$500.00.

Section 8. Nothing in this Act shall be construed as repealing any laws now in effect in this State, not in conflict herewith, but such parts of laws as are in conflict herewith are hereby repealed.

Section 9. This Act shall go into effect thirty days after its passage and approval by the Governor.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Caffey

Cooper

Coward

Craft

Darden

Delony

Duncan

Edmundson

Faulk

Garrett

Goodwin

Hall

Hooton

Hubbard

Kelley

Lapsley

Lusk

McDaniel

McDowell

Mullins

Teasley

Walker

—25

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Warren, the Senate concurred in the following amendment by the House to S. 30, the title of which is set out in the foregoing Message from the House, to-wit:

To amend S. B. No. 30 by striking out the figures \$6,000.00 in line two of Section 31 and inserting in lieu thereof \$3600.00.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Caffey

Cooper

Coward

Craft

Darden

Delony

Duncan

Garrett

Goodwin

Hall

Hildreth

Hubbard

Kelley

Lapsley

Lusk

McDaniel

McDowell

Mullins

Scruggs

Shepherd

Teasley

Walker

Warren

Wikle

—27

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

Also:

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make

such rules and regulations for the preservation, improvements and maintenance of forests within their respective counties, as may be necessary to comply with the terms of the Act of Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purposes of re-forestration and the preservation of forests.

Also:

• S. 112. To amend Section 4659 of the 1923 Code of Alabama.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING

The bill:

H. 338. To amend Section 1 and to repeal Sections 2, 3 and 3½ of an Act entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932.

Was taken up.

Mr. Teasley offered the following substitute for said bill, to-wit: Substitute for H. 338:

A BILL

To be entitled an Act to amend Section 1 of an act entitled "An act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932.

Be it enacted by the Legislature of Alabama:

That Section 1 of an act entitled "An act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932, be and the same is hereby amended so as to read as follows:

SECTION 1. That when used in the following sections of this Act, the term "person" or the term "company" herein used interchangeable, includes any individual, firm, co-partnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "Commission" or "Commissioner" means the State Tax Commission of the State of Alabama. The term "tax year" or "taxable year" means the calendar year. The term "gross sales" includes the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The term "gross receipts" means the value proceeding or accruing from the sale of tangible, personal property, including merchandise and commodities of any kind and character, and all receipts actual and accrued, by reason of any business engaged in, (not including, however, interest, discounts, rentals or royalties) and without any

deduction on account of the cost of the property sold, and cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The term "wholesaler" or "Jobber" as used in this Act shall be used only by a person doing a regularly organized wholesale or jobbing business, known to the trade as such, and selling for resale to licensed retail merchants. (a) A person operating two or more retail stores or mercantile establishments within this State, under the same ownership, supervision or management, shall not be included within the meaning of the term "wholesaler" or "jobber" under this Act. The term "retailer" means any person who sells goods, wares or merchandise to other persons for the purpose of consumption or use and who are not included in the meaning of the term wholesaler as herein defined. Sales "at wholesale" or "wholesale sales" shall mean sales made in carload lots or in quantities commonly known to the trade as sales made at wholesale. Sales "at retail" or "retail sales", commonly known to the trade as such, shall mean sales made in less than carload lots and which sales are commonly known to the trade as "retail sales." The word "business" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

Section (b). That on and after the first day of May, 1933, there is hereby levied, in addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, and shall be collected as herein provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

Section (c). Upon every person, firm or corporation engaged or continuing within this State in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including however, bonds or other evidence of debt or stocks) and amount equal to 2% of the gross proceeds of sales of the business.

Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sale of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business.

Section (d). Upon every person, firm or corporation engaged or continuing within this State in the business of conducting places

of amusement and/or entertainment, billiard and pool rooms, bowling alleys, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, football and base-ball games, skating rinks, race tracks, golf courses, or any other place at which amusement or entertainment is offered to the public, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal 2% of the gross receipts of any such business.

Section (e). Upon every person, firm or corporation engaging or continuing within this State in the business of conducting collection agencies, commercial or mercantile agencies, hotels, restaurants, cafes, laundries or ferries, there is hereby levied a privilege or license tax, an amount equal to 2% of the gross receipts of any such business.

Section (f). There shall be excepted from the gross receipts of sales so to be taxed so much thereof as is derived from business conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America.

Section (g). **MUST OBTAIN LICENSE FROM THE COMMISSIONER**—If any person on and after the first day of May 1933, shall engage or continue in any business for which a privilege tax is imposed by Section (c), (d) and (e) of this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commission, upon the payment of the sum of One Dollar, a license to engage in and to conduct such business for the current tax year, upon the condition that he shall pay the tax accruing to the State of Alabama, under the provisions of this Act; and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually and shall expire on the 31st day of December of each calendar year, provided that where any person, firm or corporation has obtained a license or permit from the State Tax Commission as provided under an Act "Requiring licenses for the operation, maintenance, opening or establishing of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Tax Commission in connection therewith, and prescribing penalties for the violation thereof," approved July 7, 1931, shall not be required to obtain a license or permit under this Act.

Section (h). **CERTAIN PERSONS EXEMPT FROM PROVISIONS**. There are, however, exempted from the provisions of this Act.

"(a) Insurance companies which pay the State of Alabama a

tax under premiums levied under the provisions of the laws of the State.

"(b) Building and Loan Associations, State and National Banks, and Mutual Savings Banks, not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors.

"(c) Labor, agricultural and horticultural Societies and organizations not operated for profit; and sales made by persons who produce live stock, poultry and other products of farm, grove or garden, whether said sales be made by the producer or members of his immediate family, or employees forming a part of the producer's organization, in the original state or condition of preparation for sale, and sales of fertilizers, seeds, boxes and/or crates, for use in preparing agricultural products for market; cemetery associations and companies which are organized and operated exclusively for the benefit of their members; fraternal benefit societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under a lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; corporations, association or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; business leagues, chambers of commerce, boards of trade, civic league, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare; one of which companies, organizations, corporations or societies, named in clause (c) of this section are organized for profit and no part of the income of which inures to the benefit of any private stockholder or individual.

"(d) Amounts received under life insurance policies and contracts paid by reason of the death of the insured.

"(e) Amounts received (other than amounts paid by reason of death of the insured) under life insurance endowment or annuity contracts, either during the term or at maturity, or upon surrender of the contract, equal to the total amount of premiums paid thereon.

"(f) Amounts derived from the sale of school books where the sale price is fixed by state contract.

"(g) Amounts received by hospitals, infirmaries and/or sanitariums.

"(h) Provided, however, that the provisions of (c), (d) and (e) of this Act shall not apply (a) to sales of newspapers and agricultural and religious publications, or to the sale of advertising space in said newspaper or publication, or to those engaged in making such sales, (b) or to sales of gasoline, and lubricating oils, otherwise taxed or to cigars, cigarettes and tobacco or tobacco

products otherwise taxed under this Act, or cereal beverages upon the sale of which a tax is now otherwise levied and collected as provided by law; or those engaged in making such sales, (c) or to persons, firms or corporations, on whom, or for engaging in the business which, a privilege tax is levied by or under the provisions of 2-a, 2-b, 2-c, 2-d, 2-e, 2-f, 2-h and 2-i of Section 2 of an Act approved July 22, 1927, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama", or to any street railway or to any public utility selling gas, electricity or water or any utility engaged in transportation.

"Nothing in this Act shall be construed as levying any tax upon the gross proceeds received from the sale of any cotton or seed cotton or lint cotton or baled cotton whether compressed or not or cotton seed in its original condition."

Section (i) The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th day of the month make out a return, showing the amount of the tax for which he is liable, for the preceding month, and shall mail the same together with a remittance, in the form required by Section (v) of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

Provided, however, that any person taxable under this Act, having cash and credit sales, may report such cash and credit sales separately and upon making application therefor may obtain from the Commission an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted by the Commission under such rules and regulations as the Commission may prescribe. When such extension is granted the taxpayer shall thereafter include in each monthly report, all collections made during the month next preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in determining the measure of the tax to be paid until collection of such credit sales shall have been made.

Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars for any month, a quarterly return and remittance in lieu of the month return may be made on or before the 15th day of the month next preceding the end of the quarter for which the tax is due.

Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten Dollars in any quarter year he shall not be required to make either

monthly or quarterly returns, but an annual return and remittance shall be required, under rules and regulations to be prescribed by the Commission, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing any such return shall not be extended beyond the 15th day of the month next succeeding the regular due date of such return.

Section (j). RETURNS TO BE MADE—WHEN—HOW MADE. On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under Sections (c), (d) and (e) of this Act shall make a return showing the gross proceeds of sales, or gross receipts of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section (v) of this Act covering the residue of the Tax chargeable against him to the office of the Commission; such return shall be verified by the oath of the tax payer, if made by an individual, or by oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, any individual delegated by such firm, co-partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit shall make the oath on behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make oath, the same may be made by any duly authorized agent. The Commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section (k). COMMISSION TO CORRECT ERROR. As soon as practicable after the return is filed the Commission shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be credited against the subsequent payment; and if the amount already paid exceeds the correct amount of the tax,

the excess shall be credited or refunded to the payer in accordance with the provisions of this Act.

If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credits under this Act, together with interest thereon at the rate of one-half of one percent per month from the time the tax was due shall be paid upon notice and demand by the Commission.

If any part of the deficiency is due to negligence or intentional disregard to authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added as damages, ten percent of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of one percent per month on the amount of such deficiency in the tax from the time it was due, which interest and damages shall become due and payable upon notice and demand by the Commission.

If any part of the deficiency is due to fraud with intent to evade tax, then there shall be added as damages not more than one Hundred per cent of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added, shall become due and payable upon notice and demand by the Commission, and an additional one percent per month on the tax shall be added from the date such tax was due until paid.

Section (1) TAXPAYER MUST KEEP RECORDS—FAILURE TO MAKE RETURNS DUTY AND POWER OF COMMISSION. It shall be the duty of every person engaging or continuing in this State in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records or the gross receipts and/or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. It shall be the duty of every person to keep and preserve, for a period of two years, all invoices of goods and merchandise purchased, for resale, and all such books, invoices and other records shall be open for examination at any time, by the Commission or his duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct for the purposes of this Act, and the amount of tax shown due thereby shall be a lien against all the property of the taxpayer until discharged by payment and if payment be not made within thirty days after demand therefor by the Commission, there shall be added not more than one hundred percent as damages to-

gether with interest at the rate of one per cent per month on the tax from the time such tax was due. If such tax be paid within thirty days after notice by the Commission, then there shall be added ten per cent as damages and interest at the rate of one per cent from the time such tax was due until paid; provided, however, in the event such taxpayer in answer to said notice from the Commission shall investigate that question fully before proceeding further under this Section.

Section (m). **TAX SHALL BE A LIEN.** The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business or stock of goods, or shall quit business, and such persons shall be required to make out the return provided for under Section (j) within thirty days after the date he sold out his business, or stocks of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section (n). **AGGRIEVED PERSON MAY FILE PETITION.** If any person having made the return and paid the tax as provided by this Act, feels aggrieved by the assessment made upon him for any year by the Commission he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and a correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth the reasons why such hearings should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner. Any person improperly charged with any tax and required to pay same, may recover the amount paid, together with interest, in any proper action or suit against the Commission, and the Circuit Court of the county in which the taxpayer resides or is located shall have original jurisdiction of any action to cover any tax improperly collected. It shall not be necessary for the taxpayer to protest against the payment of the tax or to make any demand to

have the same refunded in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

Either party to such suit shall have the right to appeal to the Supreme Court of Alabama as now provided by law. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Comptroller, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the State Treasurer in favor of such taxpayer to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act, or to restrain the enforcement of this Act.

It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employe, and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission and in which they or either of them may become involved, upon the order and under the direction of the Commission.

SECTION (o). WARRANT FOR COLLECTION OF TAX—TAX SHALL CONSTITUTE DEBT DUE STATE. (a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of 10% of the tax in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. The sheriff shall within five days after the receipt of the warrant, file with the circuit clerk of his county a copy thereof, and thereupon the circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued; and the day when such copy is filed; and thereupon the amount of such warrants so docketed shall become a lien upon the title to and interest in real and personal property, including choses in action, except negotiable instruments not past due, of

the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall levy upon any property of the taxpayer, including negotiable instruments, in all respects, with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attachment proceedings, of a court of record and the remedies by garnishment shall apply and the officer shall be entitled to the same fees for his services in executing the warrant as now allowed by law for like services, to be collected in the same manner as now provided by law for like services.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the property of the taxpayer except negotiable instruments not past due and the same shall be collected together with an additional ten percent of the amount of the tax and penalties imposed for failure to make or for making a fraudulent return, and the cost of collection, if paid within thirty days, after the date it was due, and an additional two percent of the amount of the tax for each succeeding thirty days elapsing before the tax shall have been paid; provided, however, that the additional two percent penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any district attorney at the request of the Commission and/or the attorney for the Commission, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of this Act, until the taxes shall have been paid and until such person shall have complied with the provisions of this Act, and such attorneys shall prosecute violations of criminal provision of this Act upon the request of the Commission.

Section (p). ANNUAL RETURN—WHEN TO BE MADE. The assessment of taxes herein made and the annual returns required therefor shall be for the year ending on the 31st day of December; provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Section (q). IS ADDITIONAL TAX. The tax imposed by this Act shall be in addition to all other licenses and taxes levied

by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided. But no municipality or county shall be authorized to levy and tax by virtue of the provision of this Act.

Section (r). **LETTERS IN REPORT NOT TO BE DIVULGED.** Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking, comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Section (s). The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another State and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this Act against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section (t). **UNLAWFUL TO REFUSE TO MAKE RETURNS. PENALTY.** It shall be unlawful for any person to fail or refuse to make the return provided to be made in Sections (i) and (j) of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any books, paper, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction, thereof shall be fined not more than Five Hundred Dollars or imprisoned not exceeding six months in the county jail or punished by both such fine and imprisonment, at the discretion

of the court within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury and, on conviction thereof, shall be punished in the manner provided by law. Any company for which a false return or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred Dollars.

Section (u). ADMINISTRATION OF ACT VESTED IN THE STATE TAX COMMISSION. The administration of this Act is vested in and shall be exercised by the State Tax Commission, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any district attorney, or any attorney for the Commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only upon the approval of the Governor; but the district attorney or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. The State Tax Commission shall appoint, as needed such agents, clerks and stenographers as authorized by law, who shall serve under him shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the Commission as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of Five Thousand Dollars for the faithful discharge of his duties. All of such agents, clerks and stenographers may be removed by State Tax Commission for cause of which the Commission shall be final.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not wilful or flagrant.

Section (v). COMMISSION TO MAKE REGULATIONS. The Commission shall from time to time promulgate such rules and regulations for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

Section (w). COMMISSION MAY EXAMINE BOOKS, ETC. The Commission may examine books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections (i) and (j) of this Act, and may require the attendance of any person and take his testimony with respect to

any such matter, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey and summons to appear before the Commission, or shall refuse to testify or answer any material question or to produce any book, record, paper, or other data when required to do so, such failure or refusal shall be reported to the Attorney General, or the District Solicitor, who shall thereupon institute proceedings in the Chancery Court of the county where such witness resides to compel obedience to any summons of the Commission officers who serve summonses or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section (x). EXCESS PAYMENT—REFUND. If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any balance of such excess at the end of the year and upon the filing of its annual return, shall be immediately refunded to the taxpayer by certificate of overpayment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Comptroller shall issued his warrant on the Treasurer, which warrant shall be payable out of any funds appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the court issuing such order or decree.

Section (y). All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes and all privilege or license taxes collected under the provisions of Section (c), (d) and (e) of this Act are hereby appropriated, annually and shall be distributed annually as follows, viz; The expenses of administration of this Act shall be the first charge against the proceeds of said taxes levied under Sections (c), (d) and (e) of this Act. The next Million Five Hundred Thousand Dollars, annually or so much thereof as may be necessary to supplement other revenues pledged specifically for that purpose is hereby appropriated, annually and shall be set apart annually to pay the interest and sinking fund of Five Hundred Thousand Dollars annually for the retirement of warrants and/or other instruments issued, or to be issued to pay the floating debt of the State as of September 30, 1932. The next Five Hundred Thousand Dollars is appropriated annually and set apart annually to the elementary schools of the State, same to be dis-

tributed annually to the school authorities of the several counties by the State Superintendent of Education, according to population as shown by the last or any succeeding Federal census, and the balance of the proceeds of said taxes is hereby appropriated annually to the special educational trust fund.

Section (z). The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce the collection of all delinquent privilege and license taxes levied under this Act, and shall have all the power and authority in enforcing the provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 2. Any and all expenses incurred by the State Tax Commission in the administration of this Act, including the supervision, auditing, clerical and field service, all salaries to be fixed by the Commission under the provisions herein, and the sum of Ten Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license tax as hereinbefore provided. As soon as a sufficient amount of license taxes shall have been collected under the provisions of (c), (d) and (e) of this Act, the Ten Thousand Dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the General Fund.

Section 3. INVALIDITY OF PART OF ACT NOT TO INVALIDATE ENTIRE ACT. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. That this Act shall take effect and be in force after April 30, 1933, but being an emergency revenue measure, shall expire and stand repealed on September 30th, 1935.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same hereby are repealed.

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend Substitute for H. 338 as follows:

1. By striking therefrom Section 4 and substituting in lieu thereof the following:

"Section 4. This Act shall be submitted to the people of Alabama for their approval at an election to be held on the first Tuesday after the expiration of ninety days from the final adjournment of this session of the Legislature, and there shall be submitted to the people at said election the following question: Shall the so-called Sales Taxes as provided in House Bill No. 338 become effective?

Yes..... No.....

And the ballots thereon shall be canvassed and result announced as in the case of Constitutional Amendments; and if a majority of the people shall at said election vote in favor of said sales Tax bill, (House Bill No. 338) then the same shall become effective immediately upon the declaration of the result of said election, otherwise said Act shall be null and void.

On motion of Mr. Teasley, said amendment was laid on the table.

Yeas, 18; nays, 15.

Yeas:

Messrs.:

Beasley	Darden	Lapsley	Teasley
Caffey	Edmundson	Millsap	Walker
Cooper	Fletcher	Powell	Warren
Cowart	Goodwin	Riddle	Wikle
Craft	Hubbard		

—18

Nays:

Messrs.:

Bartlett	Faulk	Kelley	Mullins
Bonner	Garrett	Lusk	Scruggs
Delony	Hall	McDaniel	Shepherd
Duncan	Hildreth	McDowell	

—15

Mr. Hildreth also offered the following amendment to said substitute, to-wit:

Amend Substitute for H. 338 as follows:

1. By striking therefrom Section four and substituting in lieu therefor the following:

"Section 4. One-third of the net proceeds of the taxes collected under the provisions of this Act shall, on the 15th day of each calendar month, be paid over to the Governing body of the county in which the same was collected, and shall by such governing body, be prorated between the county and the incorporated cities and towns in such county, paying over to each incorporated city and town, that prorated part of such tax which the population of each incorporated city and town represents to the population of the whole County. The population of the County and Municipalities shown by the last or any subsequent Federal Census, shall be used as the basis for distribution of such tax.

On motion of Mr. Teasley said amendment was laid on the table.

Yeas, 22; nays, 11.

Yeas:

Messrs.:

Beasley	Edmundson	Lapsley	Riddle
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	Millsap	Walker
Cowart	Garrett	Mullins	Warren
Craft	Goodwin	Powell	Wikle
Darden	Hubbard		

—22

Nays:

Messrs.:

Bartlett	Duncan	Kelley	Scruggs
Bonner	Hall	Lusk	Shepherd
Delony	Hildreth	McDowell	

—11

Mr. Hildreth also offered the following amendment to said substitute to-wit:

Amend the Substitute for H. 388 as follows:

1. By striking out Sec. 4 as now written.
2. By adding thereto Section 4 as follows: "The proceeds of all taxes collected pursuant to this Act shall be held and disbursed a trust fund for education in Alabama."

On motion of Mr. Teasley said amendment was laid on the table.

Yeas, 19; nays, 14.

Yeas:

Messrs.:

Beasley	Delony	Hubbard	Teasley
Caffey	Edmundson	Lapsley	Walker
Cowart	Faulk	Millsap	Warren
Craft	Fletcher	Powell	Wikle
Darden	Goodwin	Riddle	

—19

Nays:

Messrs.:

Bartlett	Garrett	Lusk	Mullins
Bonner	Hall	McDaniel	Scruggs
Cooper	Hildreth	McDowell	Shepherd
Duncan	Kelley		

—14

Mr. Hildreth also offered the following amendment to said substitute to-wit:

Amend the Substitute for H. 338 as follows:

1. By striking out Sec. 4 as now written.
2. By adding thereto Section 4 as follows: "The proceeds of the taxes collected pursuant to this Act shall be held in trust for the payment of the floating debt of Alabama until all debts due on October 1, 1932 are paid and thereafter used exclusively for the reduction of State ad valorem taxes."

On motion of Mr. Teasley said amendment was laid on the table.

Yeas, 18; nays, 15.

Yeas:

Messrs.:

Beasley	Delony	Lapsley	Teasley
Caffey	Edmundson	Millsap	Walker
Cowart	Fletcher	Powell	Warren
Craft	Goodwin	Riddle	Wikle
Darden	Hubbard		

—18

Nays:

Messrs.:

Bartlett	Faulk	Kelley	Mullins
Bonner	Garrett	Lusk	Scruggs
Cooper	Hall	McDaniel	Shepherd
Duncan	Hildreth	McDowell	

—15

Mr. Hildreth also offered the following amendment to said substitute to-wit:

Amend the substitute for H. 338 as follows:

1st. By striking out Sec. 4 as now written.

2nd. By adding thereto Section 4 as follows: "The proceeds of the taxes collected under the provisions of this bill shall be distributed as follows: 25% thereof shall be divided equally among the 67 Counties of the State; 50% thereof shall go to the State; and the remaining 25% shall be divided among the towns and cities in proportion to their population."

On motion of Mr. Teasley said amendment was laid on the table.

Yeas, 20; nays, 13.

Yeas:

Messrs.:

Beasley	Darden	Hubbard	Shepherd
Caffey	Edmundson	Lapsley	Teasley
Cooper	Faulk	Millsap	Walker
Cowart	Fletcher	Powell	Warren
Craft	Goodwin	Riddle	Wikle

—20

Nays:

Messrs.:

Bartlett	Garrett	Kelley	McDowell
Bonner	Hall	Lusk	Mullins
Delony	Hildreth	McDaniel	Scruggs
Duncan			

—13

Mr. Hildreth offered the following amendment to said substitute, to-wit:

Amend the substitute for H. B. No. 338 as follows:

1st. By striking out Section No. 4 as now written.

2nd. By adding thereto Section 4 as follows: "The net proceeds of the taxes collected pursuant to this Act shall be disbursed as follows: One-third thereof shall be distributed equally among the 67 Counties of this State; one-third thereof shall be paid into the State Treasury; and one-third shall be divided among the

towns, and municipalities of the State in proportion to their population."

On motion of Mr. Lapsley, said amendment was laid on the table.

Yeas, 21; nays, 12.

Yeas:

Messrs.:

Beasley	Delony	Hubbard	Shepherd
Caffey	Edmundson	Lapsley	Teasley
Cooper	Faulk	Millsap	Walker
Cowart	Fletcher	Powell	Warren
Craft	Goodwin	Riddle	Wikle
Darden			

—21

Nays:

Messrs.:

Bartlett	Hall	Kelley	McDowell
Bonner	Hildreth	Lusk	Mullins
Duncan	Hooton	McDaniel	Scruggs

—12

Mr. Hildreth also offered the following amendment to said substitute, to-wit:

Amend the Substitute for H. 338 as follows:

1st. By striking out Sec. 4 as now written.

2nd. By adding Section 4 thereto as follows: "That one-half of the net proceeds of the taxes collected pursuant to this Act shall be paid into the Educational Trust Fund, and the other one-half shall be paid into the General Fund of the State."

On motion of Mr. Teasley said amendment was laid on the table.

Yeas, 19; nays, 14.

Yeas:

Messrs.:

Beasley	Delony	Hubbard	Teasley
Caffey	Edmundson	Lapsley	Walker
Cowart	Faulk	Millsap	Warren
Craft	Fletcher	Powell	Wikle
Darden	Goodwin	Riddle	

—19

Nays:

Messrs.:

Bartlett	Hall	Lusk	Mullins
Bonner	Hildreth	McDaniel	Scruggs
Cooper	Hooton	McDowell	Shepherd
Duncan	Kelley		

—14

Mr. Bonner offered the following amendment to said substitute, to-wit:

Amend Teasley substitute for House Bill No. 338 by adding at end of Section 5 thereof the following words:

Sales Tax to be in effect beginning May 1, 1933 and extending only to July 18, 1933; at which time it shall be determined by a

vote of the qualified voters of the State of Alabama whether said sales tax may continue further and until September 30, 1935.

On motion of Mr. Teasley, said amendment was laid on the table.

Yeas, 17; nays, 15.

Yeas:

Messrs.:

Beasley	Edmundson	Lapsley	Teasley	
Caffey	Fletcher	Millsap	Walker	
Cowart	Goodwin	Powell	Warren	
Craft	Hubbard	Riddle	Wikle	
Darden				—17

Nays:

Messrs.:

Bartlett	Faulk	Hooton	Mullins	
Bonner	Garrett	Kelley	Scruggs	
Delony	Hall	McDaniel	Shepherd	
Duncan	Hildreth	McDowell		—15

And said substitute offered by Mr. Teasley was then adopted.

Yeas, 18; nays, 16.

Yeas:

Messrs.:

Beasley	Darden	Hubbard	Riddle	
Caffey	Delony	Lapsley	Teasley	
Cooper	Edmundson	Millsap	Warren	
Cowart	Fletcher	Powell	Wikle	
Craft	Goodwin			—18

Nays:

Messrs.:

Bartlett	Garrett	Kelley	Mullins	
Bonner	Hall	Lusk	Scruggs	
Duncan	Hildreth	McDaniel	Shepherd	
Faulk	Hooton	McDowell	Walker	—16

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 18; nays, 15.

Yeas:

Messrs.:

Beasley	Darden	Hubbard	Riddle	
Caffey	Delony	Lapsley	Teasley	
Cooper	Edmundson	Millsap	Warren	
Cowart	Fletcher	Powell	Wikle	
Craft	Goodwin			—18

Nays:

Messrs.:

Bartlett	Garrett	Lusk	Scruggs	
Bonner	Hall	McDaniel	Shepherd	
Duncan	Hildreth	McDowell	Walker	
Faulk	Kelley	Mullins		—15

The bill:

H. 277. To amend Section 2 of an Act entitled: "An Act to regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed over the Governor's veto, October 6, 1932.

Was taken up.

Mr. Mullins offered the following substitute for said bill, to-wit:

By Mr. Mullins:

Substitute for H. 277:

A BILL

To be entitled an Act to amend an act entitled "An act to regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed over the governor's veto October 6, 1932.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An act to regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed over the governor's veto October 6, 1932, be amended so as to read as follows:

AN ACT:

To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt or other light ingredients are used, containing not more than 3.2 per cent alcohol by weight.

Be it enacted by the Legislature of Alabama:

Section 1. Any person, firm or corporation, upon compliance with other provisions of this act, payment of the proper license therefor, and with other laws of the state, may engage in the manufacture for sale, and/or sale of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than 3.2 per cent alcohol by weight."

Section 2. That all bottles, kegs, casks, or other like containers which contain any of the beverages, liquids, drinks or refreshments, described in section 1 of this act shall have stamped upon it a label plainly showing the name of the product, the name and place of the manufacturer, the ingredients of the contents, including the amount of alcohol, if any, and the said container shall also bear the license stamp label of the manufacturer, dealer, distributor or retailer as may be prescribed by law.

Section 3. That it shall not be unlawful for any person, firm

or corporation to possess, advertise or transport in Alabama any beverages, liquids, drinks or refreshments manufactured or sold or being prepared or offered for sale as described in section 1 and 2 of this act.

Section 4. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby expressly repealed. This act shall take effect on May 1, 1933, the public welfare requiring it.

Mr. Bonner moved that said bill and the pending substitute be indefinitely postponed.

Mr. Craft moved to table the motion to indefinitely postpone, which motion was lost.

Yeas, 10; nays, 23.

Yeas:

Messrs.:

Craft	Hildreth	Millsap	Teasley	
Duncan	Hooton	Mullins	Warren	
Hall	McDowell			—10

Nays:

Messrs.:

Bartlett	Darden	Hubbard	Riddle	
Beasley	Delony	Kelley	Scruggs	
Bonner	Faulk	Lapsley	Shepherd	
Caffey	Fletcher	Lusk	Walker	
Cooper	Garrett	McDaniel	Wikle	
Cowart	Goodwin	Powell		—23

And the motion of Mr. Bonner to indefinitely postpone said bill and substitute then prevailed.

Yeas, 26; nays, 7.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Riddle	
Beasley	Faulk	Kelley	Scruggs	
Bonner	Fletcher	Lapsley	Shepherd	
Caffey	Garrett	Lusk	Walker	
Cooper	Goodwin	McDaniel	Warren	
Cowart	Hildreth	Powell	Wikle	
Darden	Hooton			—26

Nays:

Messrs.:

Craft	Hall	Millsap	Teasley	
Duncan	McDowell	Mullins		— 7

On motion of Mr. Powell, the Senate indefinitely postponed further consideration of the bill:

H. 169. To limit, fix and reduce the salary, compensation and/or fees of all officers, employees or agents of the State or any department thereof including all persons engaged in teaching school or supervising or directing the teaching or in any way employed or engaged in performing any service for the State or any department

thereof, whenever any part thereof is payable out of State funds or funds or monies collected for any department or agency of the State under any law to not exceeding seventy-five per cent of the amount paid or contracted to be paid or received for the same or similar service on October 1st, 1930.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 6. To authorize and provide for the issuance, sale and/or exchange of interest bearing warrants and/or other interest bearing instruments of the State of Alabama, for the purpose of refunding the floating indebtedness of the State at the close of business September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury as provided by law, amounting in the aggregate to \$16,943,357.12/100 and items enumerated in an Act of the Legislature number 294, being Senate bill number 272, approved November 9, 1932, as authorized by an amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDaniel, the Senate concurred in the following Amendment by the House to S. 6, the title of which is set out in the foregoing Message from the House, to-wit:

By Mr. Goode:

Amendment to Senate Bill No. 6:

Amend the bill by adding the following sections:

Section 15. Possession of any item proposed to be funded hereby may be accepted as conclusive evidence by the Commission of the holder's right to the same so far as other claimants are concerned, notwithstanding notice of claims to the contrary. But the Commission must give due consideration to all conflicting or contrary claims and shall determine who are the owners, and the proportionate part different owners may have in any such item. The Commission may also provide for the redemption or repurchase of any item theretofore sold, transferred or hypothecated by the original owner from the then holder or claimant of such item, and fix the terms of redemption or repurchase.

Section 16. The Warrants and/or other instruments to be issued hereunder shall be eligible, to the extent of the principal amount thereof, in lieu of surety or other securities required or authorized by law (a) to secure deposits of funds of the State or any agency or political subdivision thereof or of any public official,

board or department; (b) as security in lieu of fidelity or official bond or other security upon such bond of any public officers; (c) in lieu of any deposit of securities required or permitted to be made with the State Treasurer or State Insurance Commissioner or other official or department; (d) in lieu of bond, certified check, or other security for any amount due or to become due to the State or any agency or subdivision thereof, or for any bond on public work or for the performance thereof; (e) in lieu of other security upon any appeal, supersedeas, cost bond or bond of or to secure an injunction or receiver.

Section 17. The warrants and/or other instruments to be issued hereunder shall constitute legal investments for agents, administrators, executors, trustees, banks, building and loan associations, insurance companies, fiduciaries and all others whose investments may now or hereafter be fixed by or regulated by law, or subject to regulation.

Section 18. If any section, clause, or provision of this Act is declared unconstitutional or void, it shall not affect the remaining sections, clauses, or provisions hereof.

Section 18. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 19. This Act shall become operative immediately upon the proclamation of the Governor declaring that the qualified electors of the State of Alabama have ratified the amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII thereof, and in the event the said Constitutional amendment is not approved by the qualified electors of the State of Alabama as an amendment to the Constitution, this Act shall be null and void.

Yeas, 22; nays, 3.

Yeas:

Messrs.:

Beasley	Fletcher	McDaniel	Scruggs
Caffey	Garrett	McDowell	Shepherd
Cowart	Goodwin	Mullins	Tasley
Craft	Hildreth	Powell	Warren
Darden	Hooton	Riddle	Wikle
Delony	Lapsley		

—22

Nays: Messrs. Duncan, Hall and Lusk

— 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount

which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference heretofore appointed on the disagreement of the two Houses on the Senate amendment to the bill:

H. 344. To further regulate, provide for and require bonds of County officials and employees and clerks, deputies and employees in County offices; to provide for the fixing and approving of such bonds; and to provide upon what conditions and the manner in which sureties on official bonds may be relieved therefrom.

Said report of the Committee of Conference being in words and figures as follows, to-wit:

We, the Committee of Conference appointed by the Speaker of the House and President of the Senate on House Bill 344, beg to report as follows:

We recommend that the House concur in and adopt the Senate amendment and that said bill as amended be amended by adding a new Section 15½ as follows:

"Section 15½. That if and when a depository is or has been designated by the County Board of Education for the Public School Funds, or by the Courts of County Commissioners, Boards of Revenue or like governing bodies of the County, for the funds of the Tax Collector or County Treasurer the minimum amount of the bonds of such officers may be fixed at an amount not less than twice the amount of the average daily balance of funds on hand or under the control of such office during that month in the preceding fiscal year when such average daily balance was greatest." and that said bill so amended be passed.

W. C. BEEBE

W. C. TAYLOR

A. L. BAINES,

Committee on part of House.

J. M. BONNER

CLAUD D. SCRUGGS

J. A. LUSK, JR.,

Committee on part of Senate.

And sends same herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Scruggs, the Senate concurred in the foregoing report of the Committee of Conference on the disagreement of the two Houses on the Senate Amendment to H. B. 344, the title of which is set out in the foregoing Message from the House.

Yeas, 23; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Lusk	Shepherd
Beasley	Delony	McDaniel	Teasley
Bonner	Goodwin	McDowell	Walker
Caffey	Hooton	Mullins	Warren
Cowart	Hubbard	Powell	Wikle
Craft	Lapsley	Scruggs	

—23

Nay: Mr. Hall

— 1

And said bill, as thus amended, by the report of the Conference Committee, was again read a third time at length and passed.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Lapsley	Scruggs
Beasley	Delony	Lusk	Teasley
Bonner	Goodwin	McDowell	Walker
Caffey	Hildreth	Mullins	Warren
Cowart	Hooton	Powell	Wikle
Craft	Hubbard		

—22

Nay: Mr. Hall

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 5. A bill to be entitled an Act to propose an amendment to Section 213 of the Constitution of Alabama to be known and designated as Article XXIII thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 213 of the Constitution of the State of Alabama to be known and designated as Article XXIII thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 213. After the ratification of this Constitution, no new debt shall be created against, or incurred by the State, or its authority except to repeal invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on

the journals; provided, the Governor may be authorized to negotiate temporary loans, never to exceed Three Hundred Thousand Dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided, further, that this Section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State. Provided, further, that this Section shall not be so construed as to prevent the Governor from paying interest at the rate of not exceeding 5% per annum, payable semi-annually from July 1, 1933, on the floating indebtedness of the State at the close of business on September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury, as provided by law, amounting in the aggregate to \$16,943,357.12 and items enumerated in an act of the Legislature number 294, being Senate bill 272, approved November 9, 1932, all of which are hereby ratified and confirmed. All warrants and/or instruments issued or to be issued representing such indebtedness shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such warrants and/or instruments shall be exempt forever from all taxes of every kind. Any act creating or incurring any new debt against the State, except as herein provided for, shall be absolutely void. To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the State, and interest thereon, the net proceeds of any income tax which may be levied by the Legislature pursuant to law is hereby pledged. To prevent future deficits in the State Treasury, it shall be unlawful from and after the adoption of this amendment for the State Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer, unless there is in the hands of such Treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the State Comptroller for the issuance of warrants, the Comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all of said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this amendment shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the dis-

cretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks, next preceeding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 213 of the Constitution of Alabama? "Section 213—After the ratification of this Constitution, no new debt shall be created against, or incurred by the State, or its authority except to repeal invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; provided, the Governor may be authorized to negotiate temporary loans, never to exceed Three Hundred Thousand Dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided, further, that this Section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State. Provided, further, that this Section shall not be so construed as to prevent the Governor from paying interest at the rate of not exceeding 5% per annum, payable semi-annually from July 1, 1933, on the floating indebtedness of the State at the close of business on September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury, as provided by law amounting in the aggregate to \$16,943,-357.12 and items approved November 9, 1932, all of which are hereby ratified and confirmed. All warrants and/or instruments issued or to be issued representing such indebtedness shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged, and such warrants and/or instruments shall be exempt forever from all taxes of every kind. Any act creating or incurring any new debt against the State, except as herein provided for, shall be absolutely void. To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the State, and interest thereon, the net proceeds of any income tax which may be levied by the Legislature pursuant to law is hereby pledged. To prevent future deficits in the State Treasury, it shall be unlawful from and after the adoption of this amendment for the State Comptroller of the State of Alabama to

draw any warrant or other order for the payment of moneys belonging to, or administered by, the State of Alabama upon the State Treasurer unless there is in the hands of such Treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the State Comptroller for the issuance of warrants, the Comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all of said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this amendment shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

"YES....." "NO....."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 445. To amend Section 1 of an Act approved October 22, 1932, entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

The bill:

H. 408. To repeal an Act entitled "An Act to propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or other order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by such Treasurer, in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury at the end of any fiscal year, any money of the general fund in excess of the appropriation for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment," passed by the House and Senate October 27, 1932.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Beasley
Bonner
Caffey
Cooper
Craft
Darden
Garrett
Hall
Hildreth
Hooton
Hubbard
Lapsley

Lusk
McDowell
Mullins
Powell
Riddle
Scruggs

Shepherd
Teasley
Walker
Warren
Wikle

BILL INDEFINITELY POSTPONED

On motion of Mr. Cowart, the Senate indefinitely postponed further consideration of the bill:

H. 295. To provide for the establishing, construction and maintaining of public roads, culverts and bridges in Cullman County, Alabama; creating a Highway Commission for said county and defining its powers, jurisdiction and duties; providing for the appointment and election and term of office of its members, prescribing the qualifications for the members thereof, and providing for their compensation.

RECESS

At 6:40 P. M., on motion of Mr. Powell, the Senate took a recess until 9: o'clock this evening.

NIGHT SESSION—THIRTIETH DAY

Friday, April 14th, 1933.

The Senate re-assembled at 9:00 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin
Hall
Hildreth

Hooton
Hubbard
Kelley
Lapsley
Lusk
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Poole:

H. J. R. 121. **RESOLVED** by the House, the Senate concurring, that the Secretary of the Senate, Assistant Secretary, Second Assistant Secretary, Chief Clerk and Reading Clerk of the Senate together with twelve assistants, to be named by the Secretary of the Senate; the Clerk of the House, Assistant Clerk, Reading Clerk, together with twelve assistants, to be named by the Clerk of the House, be allowed six weeks within which to check, com-

pare and deliver the journals of the Senate and House of Representatives of this session of the Legislature to the Secretary of State and State Printer.

Resolved further that all of the employees named above shall receive the same per diem and be paid in the same manner as they are now paid.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDowell, the Senate concurred in and adopted H. J. R. 121, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 408. To repeal an Act entitled "An Act to propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or other order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by such Treasurer, in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury at the end of any fiscal year, any money of the general fund in excess of the appropriation for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment," passed by the House and Senate October 27, 1932.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

ORDER TO PRINT

On motion of Mr. Teasley, 500 copies of the substitute offered to the bill:

H. 445. To amend Section 1 of an Act approved October 22, 1932, and entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," and to provide when this Act shall be effective.

Were ordered printed for use of the Senate.

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama,
Montgomery, Alabama.

Gentlemen:—

I am herewith returning to the Senate, the body in which it originated, Senate Bill No. 120, without my approval.

I can not approve this Act for the following reasons:

The provision that the Docks Commission may carry insurance for the protection of its employees against injury is already the law; full provision being made therefor by Senate Bill No. 126, No. 300, approved November 12, 1932, being "An act to authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks."

This Act does not change the provisions with reference to insurance.

The effect of this Act is to permit the Docks Commission to make settlement out of its operating revenue for damages for injury or death to persons, occurring either prior or subsequent to the time this act becomes a law. This would authorize the State Docks Commission to pay out, in damages, money from its operating revenue as damages for any injury that has occurred during the operation of the Docks. Each time the interest is due on the bonds issued to secure funds for the construction of the Docks, it is necessary that the State pay a large amount to supplement what can be paid from the receipts derived from the operation of the docks.

If damages are paid out it merely adds to the amount to be paid by the State. It will be necessary in a very short time for the State to make a payment on the interest on these bonds and there is no revenue available for the purpose. In order to preserve the credit of the State we must arrange to secure the money to pay this interest even though some other activity of the State shall suffer.

I do not believe that the Docks Commission should be authorized by law to take the money received from the operation of the business and apply the same to the payment of damages and thus add to the burden of the State in carrying the interest at this time.

Respectfully,

April 11, 1933.

B. M. MILLER, Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Lapsley, the Senate reconsidered and again passed, the bill:

S. 120. To authorize the State Docks Commission to provide insurance for the compensation or benefit of persons injured or killed in the operation of said docks, or make settlement of claims heretofore or hereafter arising from such injuries or deaths, and to pay the expense of such insurance or settlement as a part of the operating expenses of said docks.

The Governor's veto to the contrary notwithstanding.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Beasley	Fletcher	McDaniel	Scruggs
Bonner	Goodwin	McDowell	Teasley
Cooper	Hildreth	Millsap	Walker
Cowart	Hubbard	Mullins	Warren
Craft	Lapsley	Powell	Wikle
Darden	Lusk		

—22

Which was a majority of the whole number elected to the Senate.

The bill:

A bill to be entitled An Act to propose an amendment to Section 284, of Article XVIII, of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of the State of Alabama, is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the day of the general election to be held in the State next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed.

The proposed amendment is as follows:

Article XVIII. Section 284. Amendments may be proposed to this constitution by the Legislature in the manner following: the proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the Legislature at which

the amendments are proposed or upon another day appointed by the Legislature, not less than three months after the final adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the Governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz:

"Shall the following be adopted as Section 284 of Article XVIII of the Constitution of Alabama?"

Article XVIII. Section 284. Amendments may be proposed to this constitution by the Legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to

that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the Governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments. "Yes _____; No. _____." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the state for the appointment of officers to hold elections in the state and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the pro-

posed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Lusk offered the following amendment to said bill, to-wit: Amend Section 1 of H. 407 by striking out the words "day of the general election to be held in the State" where they appear together in said Section and insert in lieu thereof the words "first Tuesday."

Which was adopted.

Yeas, 21; nays, 1.

Yeas:

Messrs.:

Beasley

Bonner

Cowart

Craft

Darden

Goodwin

Hildreth

Hubbard

Kelley

Lapsley

Lusk

McDaniel

McDowell

Millsap

Mullins

Powell

Scruggs

Teasley

Walker

Warren

Wikle

—21

Nay: Mr. Duncan

— 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Beasley

Bonner

Caffey

Cooper

Cowart

Darden

Delony

Duncan

Goodwin

Hildreth

Hubbard

Kelley

Lapsley

McDaniel

McDowell

Millsap

Powell

Teasley

Walker

Warren

Wikle

—21

The bill:

H. 242. To amend Section 51 of an Act entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved July 22nd, 1927.

Was taken up.

Mr. Teasley offered the following substitute for said bill, to-wit: Substitute for H. 242:

A BILL

To be entitled An Act to amend Section 51 of an Act entitled An Act in reference to and to further provide for the General Revenue of the State of Alabama, approved July 22nd, 1927.

SECTION 1. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA that Section 51 of an Act entitled an Act in reference to and to further provide for the general revenue of the

State of Alabama, approved July 22nd, 1927, be and the same is hereby amended so as to read as follows:

Section 51. (a) No list of securities shall be received for record by the State Tax Commission unless and until the following privilege or license tax shall have been paid to the State Tax Commission upon such list of securities, before the same shall be offered for record, to-wit: Upon all such securities listed with the State Tax Commission, the par value or principal amount of which does not exceed One Hundred Dollars (\$100), the sum of Twenty-five Cents (25c) and upon all such securities the par value or principal sum of which is more than One Hundred Dollars (\$100.00), the sum of Twenty-five Cents (25c) for each One Hundred Dollars (\$100.00) of value or fraction thereof is shown in said list. For the purpose of this Act, shares of stock having no nominal or par value, included in any such list of securities, shall be taken in the determination of said tax as equal to One Hundred Dollars (\$100.00) par value per share, unless the actual value thereof be otherwise shown affirmatively on the list thereof to the satisfaction of the State Tax Commission, in which event the sum to be paid shall be twenty-five cents for each One Hundred Dollars (\$100.00) of the value thereof so shown, provided a list of all securities may be filed and recorded annually and the tax paid as above provided for each year.

(b) Upon the filing for record in the office of the State Tax Commission of any such list of securities, the owner of the securities listed therein or his agent, shall present said list of the State Tax Commission and pay to the State Tax Commission the amount of tax required under this section to be paid on account thereof, and upon such payment the State Tax Commission, or any member thereof or any of its assistants, shall certify on said list of securities the fact that the tax has been paid.

(c) The tax collected by the State Tax Commission under this Act, shall be paid by the State Tax Commission to the State Treasurer.

(d) There shall be no ad valorem tax assessed or collected upon any security included in any list on account of which the tax prescribed by this Act shall have been paid, either State, county, or municipal, for the year in which listed, provided, however, that if said securities are not listed for any tax year and the privilege or license tax paid as herein provided, the same shall be considered as escape personal property and subject to the ad valorem taxes, laws and penalties relating to personal property which has escaped taxation, and the Tax Assessor or Deputy Tax Assessor of the county wherein the owner of such securities resides, shall assess the same as escaped personal property is assessed, and notify the State Tax Commission that such assessment has been made for what years

the same has been made, and the State Tax Commission shall not thereafter accept the same for listing for the years for which it has been so assessed for taxation.

Which was adopted.

Yeas, 17; nays, 6.

Yeas:

Messrs.:

Beasley	Delony	Kelley	Powell	
Caffey	Duncan	McDaniel	Teasley	
Cowart	Goodwin	McDowell	Walker	
Craft	Hubbard	Millsap	Warren	
Darden				—17

Nays: Messrs. Bartlett, Hildreth, Lapsley, Lusk, Mullins, Wikle — 6

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 16; nays, 7.

Yeas:

Messrs.:

Beasley	Darden	McDaniel	Shepherd	
Caffey	Delony	McDowell	Teasley	
Cowart	Goodwin	Powell	Walker	
Craft	Hubbard	Scruggs	Warren	
				—16

Nays: Messrs. Bartlett, Duncan, Hall, Lapsley, Lusk, Mullins, Wikle — 7

The bill:

H. 377. To authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

Was taken up.

Mr. Lapsley offered the following substitute for said bill, to-wit:

Substitute for H. 377, as amended:

A BILL

To be entitled An Act to authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

Be it enacted by the Legislature of Alabama:

SECTION 1. That Tax Collectors of the several counties of the State are authorized and required to accept any moneys tendered to them in partial payment of ad valorem taxes collectible by them at any time, before the sale of properties liable therefor, provided, however, that no such payment shall be made, nor shall same be accepted by the Tax Collectors, unless such payment shall

amount to at least one-fourth of the total amount of taxes due on October 1st, of each year thereafter. They shall credit the amount so paid first upon accrued cost if any, then upon interest if any accrued, and then upon the principal of the taxes owing. They shall give to the person paying the same a receipt for the amount so paid. Provided nothing herein shall be construed to postpone the payment of such taxes nor to waive any lien or right of enforcement of collection.

SECTION 2. The State Tax Commission shall prescribe the form of the receipt to be given hereunder.

SECTION 3. All laws or parts of laws in conflict herewith are expressly repealed.

SECTION 4. This Act shall go into effect upon its passage and approval.

Which was adopted.

Yeas, 24; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Lapsley	Scruggs
Beasley	Duncan	Lusk	Shepherd
Caffey	Goodwin	McDowell	Teasley
Cowart	Hall	Millsap	Walker
Craft	Hildreth	Powell	Warren
Darden	Hubbard	Riddle	Wikle

—24

Nay: Mr. Mullins

— 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Lusk	Shepherd
Beasley	Delony	McDowell	Teasley
Caffey	Hall	Millsap	Walker
Cooper	Hildreth	Mullins	Warren
Cowart	Hubbard	Powell	Wikle
Craft	Lapsley	Scruggs	

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 81. To amend Section 3571 of the Code of Alabama of 1923. And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mullins, the Senate concurred in the following amendment by the House to S 81, the title of which is set out in the foregoing Message from the House, to-wit:

Substitute by the Criminal Laws Committee of the House to S. 81.

A BILL

To be entitled An Act to amend Section 3571 of the Code of Alabama 1923:

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3571 of the Code of Alabama be amended so as to read as follows:

Section 3571: CONSPIRACY TO COMMIT FELONY.—Any two or more persons conspiring together to commit an assault on another with intent to murder, maim, rob, ravish, or to commit the crime against nature, or who attempts to poison any human being, or to commit murder by any means not amounting to an assault, shall each themselves be guilty of a felony, and must, be imprisoned in the penitentiary of the State of Alabama for not less than one year, and not more than ten years.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this act shall go into effect immediately upon its passage and approval by the Governor.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Beasley	Darden	Lapsley	Scruggs
Brown	Edmundson	Lusk	Shepherd
Caffey	Goodwin	Millsap	Walker
Cooper	Hall	Mullins	Warren
Cowart	Hildreth	Powell	Wikle
Cra't	Kelley		

—22

Nay: Mr. Bartlett

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 86. To amend Section 3120 of the Code of Alabama of 1923.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 27. To further regulate the voting of absentee ballots in the State of Alabama; To prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates: To provide for and require election officers for handling and tabulating absentee ballots: To provide for the present laws as are in conflict herewith, punishment of violations: and to repeal such parts of present laws in conflict herewith.

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

S. 198. To amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims," so as to make the same read as follows: A BILL TO BE ENTITLED AN ACT to provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School

Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the court house may have telephones.

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make such rules and regulations for the preservation, improvements and maintenance of forests within their respective counties, as may be necessary to comply with the terms of the Act of the Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purposes of re-forestation and the preservation of forests.

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

S. 5. To propose an amendment to Section 213 of the Constitution of Alabama to be known and designated as Article XXIII thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

S. 6. To authorize and provide for the issuance, sale and/or exchange of interest bearing warrants and/or other interest bearing instruments of the State of Alabama, for the purpose of refunding the floating indebtedness of the State at the close of business September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury as provided by law, amounting in the aggregate to \$16,943,357.12/100 and items enumerated in an Act of the Legislature number 294, being Senate bill number 272, approved November 9, 1932, as authorized by an amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII.

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 81. To amend Section 3571 of the Code of Alabama 1923.

S. 86. To amend Section 3120 of the Code of Alabama of 1923.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Report of the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House joint resolution, your signature thereto is requested.

H. J. R. 121. To provide for the checking, comparing and delivering of the Journal of the Senate and House of Representatives of this session of the Legislature to the Secretary of State and State Printer.

J. H. Stewart,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 344. To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices, to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

H. 242. To amend Section 51 of an Act entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved July 22nd, 1927.

H. 377. To authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 407. A bill to be entitled An Act to propose an amendment to Section 284, of Article XVIII, of the Constitution of Alabama of 1901.

Bt it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the first Tuesday next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed.

The proposed amendment is as follows:

Article XVIII. Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State,

and counted, in the same manner as if elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election, there shall be printed the following, viz: "Shall the following be adopted as Section 284 of Article XVIII of the Constitution of Alabama?"

Article XVIII. Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with

the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated, and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The results of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments. "Yes_____"; "_____". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the state for the appointment of officers to hold elections in the state and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

RESOLUTIONS

Mr. McDowell offered the following Senate resolution:

S. R. 66. RESOLVED BY THE SENATE, That each member of the Senate be, and he is hereby, authorized to retain for his own personal use the set of Codes, Acts and Journals placed on his desk at the beginning of this Special Session of the Legislature.

And on motion of Mr. McDowell, the rules were suspended and the resolution adopted.

Mr. Powell offered the following Senate resolution:

S. J. R. 67. Be it resolved by the Senate that the servant now employed by the Senate be retained for two days after final adjournment of this session of the Legislature for the purpose of

cleaning the Senate chamber and that he be paid the same per diem for such service as he is now paid.

And on motion of Mr. Powell, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 242. To amend Section 51 of an Act entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved July 22nd, 1927.

Also:

H. 377. To authorize and require the tax collectors of the several counties of the State to accept and receipt for any moneys, tendered to them in partial payment of ad valorem taxes at any time before the sale of the properties liable therefor.

Also:

H. 407. To propose an amendment to Section 284, of Article XVIII, of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the first Tuesday next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed.

The proposed amendment is as follows:

Article XVIII. Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which

shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election, there shall be printed the following viz: "Shall the following be adopted as Section 284 of Article XVIII of the Constitution of Alabama?"

Article XVIII. Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the

legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments. "Yes_____"; "No_____". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the state for the appointment of officers to hold elections in the state and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified voters who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF THE SECRETARY

To the Senate:

In accordance with the requirements of Joint Rule No. 5, of the Senate and House, I hereby report the following Senate bills and Senate joint resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 183. To fix, limit or regulate the salaries and compensation of certain officers and employees of the State or any department thereof; to provide how the same shall be payable; and to provide for the repeal of all laws or parts of laws in conflict with the provisions of this Act; and to provide when the provisions of this Act shall become effective.

Delivered to the Governor, March 14, 1933, at 10:15 A. M.

Also:

S. 85. To provide for investigation concerning the sanity of persons indicted for a capital offense, and proceedings in regard thereto.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. 157. To ratify and validate certain grants of tax exemptions by municipalities and counties under the apparent authority of Sections 3023, 3024, and 3025 of the Code of Alabama of 1933.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. 189. To authorize and direct the Treasurer of the State of Alabama to pay to all sheriffs of the State of Alabama any and all amounts due to the said sheriffs as of October 1, 1932, for the feeding of prisoners.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. 207. To provide a method for reorganization of any bank, trust company or savings bank organized under the laws of this State, with the cooperation and approval of the Superintendent of Banks and pursuant to proceedings in the Courts and to provide for appeals in such cases to the Supreme Court.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. 208. To provide for the issuance of one or more classes of preferred stock by any incorporated bank, trust company or sav-

ings bank subject to the approval of the Superintendent of Banks and the Banking Board and to provide with respect to rights of stockholders to purchase any of such preferred stock.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. J. R. 58. Relative to the provisions in the Act referring to the proposed 21st Amendment to the Constitution of the United States.

Delivered to the Governor March 14, 1933, at 4 P. M.

Also:

S. 185. To provide that the State Board of Education shall not take supervisors into consideration in determining the cost of the minimum program of any county or in determining the amount which any county is entitled to receive from the Equalization Fund in any year after the passage of this Act.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 5. To propose an amendment to Section 213 of the Constitution of Alabama to be known and designated as Article XXIII thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 112. To amend Section 4659 of the 1923 Code of Alabama.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 65. To provide that the State Forestry Commission or the governing bodies of the various counties of this State may make such rules and regulations for the preservation, improvements and maintenance of forests within their respective counties, as may be necessary to comply with the terms of the Act of the Congress of the United States permitting the Reconstruction Finance Corporation to lend money for the purposes of re-forestation and the preservation of forests.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 30. To amend Section 31 of that certain Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt and for the public schools," approved November 9, 1932.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 88. To amend Section 197 of the 1927 School Code of Alabama.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 199. To authorize Boards of Revenue or Courts of County Commissioners to designate which offices in the court house may have telephones.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 129. To amend sub-section 11 of section 6755 of the Code of Alabama of 1923.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 198. To amend an Act approved March 10, 1933, and entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue, or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims," so as to make the same read as follows: A BILL TO BE ENTITLED AN ACT To provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenues or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 27. To further regulate the voting of absentee ballots in the State of Alabama; To prohibit the Judges of probate and other officers from handling absentee ballots in elections where such officers are candidates; To provide for and require election officers for handling and tabulating absentee ballots: To provide for the punishment of violations and to repeal such parts of present laws as are in conflict herewith.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 6. To authorize and provide for the issuance, sale and/or exchange of interest bearing warrants and/or other interest bearing instruments of the State of Alabama, for the purpose of refunding the floating indebtedness of the State at the close of business September 30, 1932, as shown by outstanding and unpaid warrants drawn on the Treasury as provided by law, amounting in the aggregate to \$16,943,357.12/100 and items enumerated in an Act of the Legislature number 294, being Senate bill number 272, approved November 9, 1932, as authorized by an amendment to Section 213 of the Constitution of Alabama, known and designated as Article XXIII.

Delivered to the Governor March 14, 1933, at 9:52 P. M.

Also:

S. 81. To amend Section 3571 of the Code of Alabama, 1923.

Delivered to the Governor March 14, 1933, at 10:55 P. M.

Also:

S. 86. To amend Section 3120 of the Code of Alabama of 1923.

Delivered to the Governor March 14, 1933, at 10:55 P.M.

SECRETARY'S REPORT

The foregoing report of the Secretary was read, concurred in and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Thirtieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully,

Julian Hall,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was concurred in and the Journal of the Senate for the Thirtieth Legislative Day, approved.

ADJOURNMENT

At 11:41 P. M., on motion of Mr. Duncan, the senate adjourned Sine Die.

Hugh D. Merrill,
Lieutenant-Governor and President and
Presiding Officer of the Senate.

Attest:

J. E. Speight,
Secretary.

EXTRAORDINARY SESSION 1933

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MEMBERS OF THE SENATE, EXTRAORDINARY SESSION 1933

Hugh D. Merrill, Lieutenant-Governor.....	Anniston, Ala.
Senator R. H. Powell, President Pro Tem.....	Tuskegee, Ala.
J. E. Speight, Secretary.....	Montgomery, Ala.
Harrison McCutchen, Ass't Secretary.....	Scottsboro, Ala.

1st Dist., Senator R. H. Walker, Athens, Ala.
 2nd Dist., Senator J. Marvin Kelley, Hartselle, Ala.
 3rd Dist., Senator B. J. Cowart, Haleyville, Ala.
 4th Dist., Senator Shelby S. Fletcher, Huntsville, Ala.
 5th Dist., Senator C. D. Scruggs, Guntersville, Ala.
 6th Dist., Senator John A. Lusk, Jr., Gadsden, Ala.
 7th Dist., Dr. J. L. Wikle, Anniston, Ala.
 8th Dist., Senator D. Hardy Riddle, Talladega, Ala.
 9th Dist., Senator Paul J. Hooton, Roanoke, Ala.
 10th Dist., Senator J. Sanford Mullins, Alex. City, Ala.
 11th Dist., Senator W. C. Warren, Tuscaloosa, Ala.
 12th Dist., Senator Coleman Shepherd, Jasper, Ala.
 13th Dist., Senator Lee Edmundson, Birmingham, Ala.
 14th Dist., Senator W. W. Beasley, Carrollton, Ala.
 15th Dist., Senator J. G. Duncan, Prattville, Ala.
 16th Dist., Senator H. M. Caffey, Hayneville, Ala.
 17th Dist., Senator T. A. Goodwin, Florata, Ala.
 18th Dist., Senator Howard Cooper, Brent, Ala.
 19th Dist., Senator Coma Garrett, Jr., Grove Hill, Ala.
 20th Dist., Senator Henry McDaniel, Demopolis, Ala.
 21st Dist., Senator E. T. Millsap, Monroeville, Ala.
 22nd Dist., Senator J. M. Bonner, Camden, Ala.
 23rd Dist., Senator T. S. Faulk, Samson, Ala.
 24th Dist., Senator C. S. McDowell, Jr., Eufaula, Ala.
 25th Dist., Senator G. J. Hubbard, Troy, Ala.
 26th Dist., Senator R. H. Powell, Tuskegee, Ala.
 27th Dist., Senator C. G. Brown, Hurtsboro, Ala.
 28th Dist., Judge C. B. Teasley, Montgomery, Ala.
 29th Dist., Senator John T. Bartlett, Collinsville, Ala.
 30th Dist., Senator J. W. Lapsley, Selma, Ala.
 31st Dist., Senator John E. Delony, Tuscumbia, Ala.
 32nd Dist., Senator E. F. Hildreth, Eutaw, Ala.
 33rd Dist., Senator John Craft, Mobile, Ala.
 34th Dist., Senator John A. Darden, Goodwater, Ala.
 *35th Dist., Senator Hubert Farmer, Dothan, Ala.
 35th Dist., Senator Julian Hall, Dothan, Ala.

*Mr. Farmer resigned Feb. 14th, 1933, and Mr. Hall was elected to fill the vacancy March 21st, 1933.

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ACTS AMENDED—

- To amend Sec. 260 of General Revenue Act approved Sept. 15, 1919, S. 1, Pages 38, 75, 98.
- To amend Sec. 8 of Act on Page 139, Acts of 1927, In Reference to and to further provide for the General Revenue of the State, S. 9, Pages 41, 442, 521.
- To amend Sec. 7 of Act on Page 139, Acts of 1927, In Reference to and to further provide for the General Revenue of the State, S. 10, Pages 41, 443, 524.
- To amend the title and Sec. 9 of an Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 11 and 12 and add Sec. 12½ of an Act imposing an excise tax on gasoline, approved Feb. 10, 1923, S. 16, Page 41.
- To amend Sec. 9 of Act on Page 139, Acts of 1927, In Reference to and to further provide for the General Revenue of the State, S. 11, Pages 41, 443, 523.
- To amend Sec. 37 of General Appropriation Bill, approved Nov. 9, 1932, S. 28, Pages 58, 288, 347.
- To amend Sec. 31 of General Appropriation Bill, approved Nov. 9, 1932, S. 30, Pages 58, 288, 395, 852, 893, 904.
- To amend Sec. 30 of an Act to make appropriation for the expenses of the Executive, Legislative and Judicial Departments, approved Nov. 9, 1932, S. 31, Page 59.
- To amend Sec. 27 of an Act to make appropriations for the expenses of the Executive, Legislative and Judicial Departments, approved Nov. 9, 1932, S. 32, Page 59.
- To amend Sec. 26 of an Act to make appropriations for the expenses of the Executive, Legislative and Judicial Departments, approved Nov. 9, 1932, S. 33, Pages 59, 288, 396.
- To amend Sec. 24 of General Appropriation Bill, approved Nov. 9, 1932, S. 34, Pages 59, 289, 348.
- To amend Sec. 23 of General Appropriation Bill, approved Nov. 9, 1932, S. 35, Page 59.
- To amend Sec. 22 of General Appropriation Bill, approved Nov. 9, 1932, S. 36, Pages 59, 289, 348, 397.
- To amend Sec. 15 of General Appropriation Bill, approved Nov. 9, 1932, S. 37, Page 60.
- To amend Sec. 7 of General Appropriation Bill, approved Nov. 9, 1932, S. 38, Pages 60, 289, 349.
- To amend Sec. 8 of General Appropriation Bill, approved Nov. 9, 1932, S. 39, Page 60.
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- To amend Sec. 11 of General Appropriation Bill, approved Nov. 9, 1932, S. 41, Page 60.
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- To amend Sec. 269 of General Revenue Act, approved Sept. 15, 1919, S. 79, Pages 91, 134, 187.
- To amend Sec. 6 of General Revenue Act, approved Sept. 15, 1919, S. 101, Page 113.
- To amend Schedule 52 of General Revenue Act, approved Sept. 15, 1919, S. 109, Pages 133, 215, 300.

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- To amend Act approved Sept. 27, 1932, to amend Sec. 1 of Act approved Jan. 28, 1927, to provide expenses for members of the Legislature, S. 111, Page 148.
- To amend Act No. 363 of the Legislature, approved July 10, 1933, S. 118, Page 192.
- To amend Sec. 243 of Acts of 1919, Page 282, S. 119, Page 192.
- To amend Act to amend Sec. 6336 of the Code, approved July 2, 1931, S. 132, Page 215.
- To amend Sub-section 2-D of Sec. 2 of General Revenue Act, approved July 22, 1927, S. 140, Page 245.
- To amend Sec. 2 of Act to amend Sec. 17, etc., of Municipal Bond Code, approved Sept. 10, 1927, approved July 10, 1931, S. 150, Pages 287, 382, 447.
- To amend Act to provide for payment of expenses of publications of local law, approved June 18, 1931, S. 152, Page 287.
- To amend an Act to authorize courts of county commissioners of counties of less than 18,000 population to use 20% of gasoline tax to pay teachers' salaries, S. 154, Pages 306, 325, 398, 443, 525.
- To amend Sub-section (A-1) of Sec. 2 of General Revenue Act, being H. 294 on Page 152 of General Acts of 1923, S. 155, Page 307.
- To amend an Act to amend an Act in relation to the Educational System of Alabama, approved Nov. 9, 1932, S. 160, Page 324.
- To amend Act to amend Sec. 130 of School Code, approved Nov. 8, 1932, S. 159, Pages 309, 328, 367.
- To amend Act creating Juvenile Courts in counties of 95,000 to 175,000 population, approved Sept. 9, 1927, S. 167, Pages 379, 421, 464.
- To amend Act to amend Sec. 6771 of the Code, approved July 31, 1931, S. 175, Pages 420, 457, 506.
- To amend Sections 14 and 18 of an Act to give effect to Sec. 93 of the Constitution, adopted at the November election, 1922, S. 122, Page 510.
- To amend Sec. 6 of an Act to redefine the duties of the State Auditor, approved Oct. 19, 1932, S. 194, Page 536.
- To amend Act to provide for designation by Court of County Commissioners of depositories for county funds, etc., approved March 10, 1933, S. 198, Pages 541, 570, 619, 847, 893, 905.
- To amend Act to regulate operation of trucks, etc., on highways, etc., approved Nov. 8, 1932, S. 202, Pages 579, 609, 658.
- To amend Act to amend Sec. 6702 of Code, approved Aug. 24, 1927, S. 204, Pages 607, 630, 659.
- To amend Sec. 11 of Act levying Estate Tax, approved Oct. 6, 1932, S. 210, Pages 628, 649, 753.
- To amend Sec. 266 of General Revenue Act, approved Sept. 15, 1919, H. 19, Pages 194, 650, 777, 796, 815.
- To amend Sec. 2 of Act to permit automobile license tags to remain with car, etc., approved May 23, 1931, H. 24, Pages 586, 649, 773, 815.
- To amend Sec. 2 of Act to provide that work of probation of convicts be declared county purpose, etc., in counties of 300,000 or more, approved Nov. 2, 1932, H. 31, Pages 174, 479, 726.
- To amend Sec. 3 of Act to provide Deputy County Treasurer in counties of 100,000 to 300,000 population, passed over Governor's veto on June 16, 1931, H. 71, Pages 174, 513, 656, 663, 679.
- To amend Act to amend Sec. 2377 of Code, approved July 22, 1931, H. 139, Pages 390, 442, 466, 487.
- To amend Sec. 1 of Act to amend Sec. 17, etc., of Act approved Sept. 10, 1927, governing, etc., sale of bonds of counties and municipalities, etc., approved July 10, 1931, H. 140, Pages 208, 290, 300, 309, 325, 363, 389, 430, 454.

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- To amend Sections 7 and 8 of Act creating and establishing Juvenile Courts in counties of 95,000 to 175,000 population, etc., approved Sept. 9, 1927, as amended and approved April 21, 1931, H. 179, Pages 247, 292, 343, 609, 665, 683, 783, 797, 816.
- To amend Sec. 19 of Act to establish Inferior Court of Record in counties of 300,000 population or more, approved July 10, 1931, H. 192, Page 340.
- To amend Sec. 51 of General Revenue Act, approved July 22, 1927, H. 242, Pages 723, 762, 888, 896, 900.
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- To amend Sec. 2 of Act to regulate, etc., sale, etc., of cereal beverages, approved Oct. 6, 1932, H. 277, Pages 587, 762, 803, 872.
- To amend Sec. 19 of Act to amend Act to provide for government by a commission of cities of 100,000 population or more, approved Sept. 25, 1915, approved Aug. 15, 1923, H. 299, Page 582.
- To amend Act to define, regulate, etc., barbers and barber colleges, etc., H. 303, Page 585.
- To amend Sec. 7 of Act to provide and create commission form of government, etc., approved April 8, 1911, H. 309, Pages 372, 676, 779, 796, 817.
- To amend Sections 17, 18, 52, 55, 56 and 60 of Municipal Bond Code, etc., H. 310, Pages 391, 442, 471, 488.
- To amend Act authorizing Game Farming, approved Nov. 3, 1932, H. 323, Pages 391, 424, 471, 488.
- To amend Sec. 1 of General Revenue Act, approved Oct. 15, 1932, H. 338, Pages 587, 762, 803, 853.
- To amend Act to amend Sec. 3088 of the Code, approved March 1, 1933, H. 394, Pages 474, 479, 507, 520.
- To amend Sec. 11 of Act providing for levy and collection of Estate Taxes, approved Oct. 6, 1932, H. 399, Pages 723, 761, 803, 822, 845.
- To amend Act to provide for an action of ejectment to recover possession of real property, etc., in counties of 300,000 population or more, approved June 29, 1931, H. 405, Pages 543, 608, 821, 845.
- To amend Sec. 1 of Act to provide for payment of publication of notice of intention to introduce local bill in Legislature, H. 417, Page 546.
- To amend Sections 3, 6, 7 and 10 of Act providing for an action of ejectment to recover possession of real property, etc., in counties of 300,000 population or more, approved June 29, 1931, H. 424, Pages 543, 608, 730, 745, 763.
- To amend Sec. 1 of General Revenue Act, approved Oct. 22, 1932, H. 445, Pages 753, 761, 803, 825, 881, 884.
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- To repeal Act to amend Sec. 1530 of the Code, approved Jan. 17, 1927, S. 20, Pages 42, 92, 129.
- To repeal Act to authorize Senate and House to fix by resolution number and compensation of clerks, S. 47, Pages 61, 92, 130.
- To repeal Act regulating practice of Cosmetology in counties of 400,000 population or more, approved July 23, 1931, S. 180, Pages 477, 514, 729.

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- To repeal Act fixing compensation of Circuit Judges in circuits composed of one county and having more than two and less than nine judges, approved Aug. 16, 1923, H. 109, Pages 246, 611, 768.
- To repeal Act to provide for establishing, etc., of roads and bridges in counties of 41,000 population or more, etc., approved Feb. 16, 1931, H. 279, Pages 340, 497, 549, 575.
- To repeal Act to amend Sec. 1 of Act to provide for establishing, etc., roads and bridges, etc., in counties of 41,000 population or more, etc., approved Feb. 16, 1931, H. 282, Pages 340, 497, 549, 575.
- To repeal Sections 2, 3 and $3\frac{1}{2}$ of General Revenue Act, approved Oct. 15, 1932, H. 338, Pages 440, 748, 867, 868, 1166.
- To repeal Act proposing an amendment to the Constitution making it unlawful for Auditor to draw warrants on Treasurer until Treasurer has certified that the money for the specific purpose, etc., is available, H. 408, Pages 759, 762, 881, 883.
- To repeal Act providing for a Constitutional amendment providing that the Legislature may fix, etc., compensation of officers of Mobile County, approved Oct. 7, 1932, H. 421, Pages 542, 566, 730, 763.

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- Section 3122, S. 2, Pages 38, 75, 99.
- Sections 4615 to 4800, inclusive, and to provide for sale of any alcoholic beverages legalized by Congress upon repeal of statutes prohibiting by Congress, S. 4, Pages 39, 137, 152, 201, 236.
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